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ABSTRACT

This report is a guide to juvenile detention planning, based largely on the experiences of Juvenile Detention Alternatives Initiative (JDAI) sites. Its eight chapters include: (1) "Why Is Comprehensive Juvenile Detention Planning Needed?"; (2) "Guiding Principles" (e.g., detention planning must be based on adequate data, must be collaborative, should maintain a thematic focus on creating a continuum of detention options, should be comprehensive, and should be oriented toward action and practical results); (3) "Getting Started" (e.g., collaboration as a key requirement, JDAI planning collaboratives, and the effect of administrative structures on collaborative planning); (4) "Stage One: Document and Describe the Current Juvenile Detention System"; (5) "Stage Two: Identify Local Juvenile Detention Goals"; (6) "Stage Three: Define the Reformed System"; (7) "Stage Four: Identify Cost of Reforms, Resources Needed, and Barriers to Reform"; and (8) "Stage Five: Finalize and Draft the Action Plan." (Contains 11 resources.) (SM)

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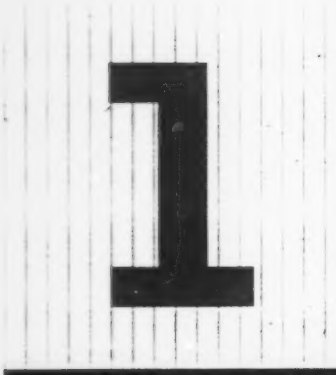

PATHWAYS TO JUVENILE DETENTION REFORM

PLANNING FOR JUVENILE DETENTION REFORMS

a structured approach

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PATHWAYS TO JUVENILE DETENTION REFORM

PLANNING

FOR JUVENILE DETENTION REFORMS a structured approach

by David Steinhart

About the Author:

David Steinhart, a California attorney and juvenile justice specialist, is Director of the Juvenile Justice Program at Commonweal in Marin County, California.

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SERIES PREFACE

Many years ago, Jim Casey, a founder and long-time CEO of the United Parcel Service, observed that his least prepared and least effective employees were those unfortunate individuals who, for various reasons, had spent much of their youth in institutions, or who had been passed through multiple foster care placements. When his success in business enabled him and his siblings to establish a philanthropy (named in honor of their mother, Annie E. Casey), Mr. Casey focused his charitable work on improving the circumstances of disadvantaged children, in particular by increasing their chances of being raised in stable, nurturing family settings. His insight about what kids need to become healthy, productive citizens helps to explain the Casey Foundation's historical commitment to juvenile justice reform. Over the past two decades, we have organized and funded a series of projects aimed at safely minimizing populations in juvenile correctional facilities through fairer, better informed system policies and practices and the use of effective community-based alternatives.

In December 1992, the Annie E. Casey Foundation launched a multi-year, multi-site project known as the Juvenile Detention Alternatives Initiative (JDAI). JDAI's purpose was straightforward: to demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention. The initiative was inspired by work that we had previously funded in Broward County, Florida, where an extremely crowded, dangerous, and costly detention operation had been radically transformed. Broward County's experience demonstrated that interagency collaboration and data-driven policies and programs could reduce the numbers of kids behind bars without sacrificing public safety or court appearance rates.

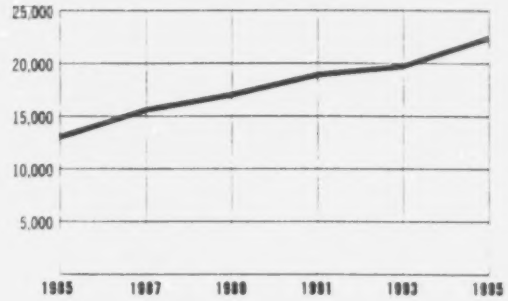
Our decision to invest millions of dollars and vast amounts of staff time in JDAI was not solely the result of Broward County's successful pilot endeavors, however. It was also stimulated by data that revealed a rapidly emerging national crisis in juvenile detention. From 1985 to 1995, the number of youth held in secure detention nationwide increased by 72 percent *(see Figure A)*. This increase

might be understandable if the youth in custody were primarily violent offenders for whom no reasonable alternative could be found. But other data *(see Figure B)* reveal that less than one-third of the youth in secure custody (in a one-day snapshot in 1995) were charged with violent acts. In fact, far more kids in this one-day count were held for status offenses (and related court order violations) and failures to comply with conditions of supervision than for dangerous delinquent behavior. Disturbingly, the increases in the numbers of juveniles held in secure detention facilities were severely disproportionate across races. In 1985, approximately 56 percent of youth in detention on a given day were white, while 44 percent were minority youth. By 1995, those numbers were reversed *(see Figure C)*, a consequence of greatly increased detention rates for African-American and Hispanic youth over this 10-year period.[1]

As juvenile detention utilization escalated nationally, crowded facilities became the norm rather than the exception. The number of facilities

FIGURE A

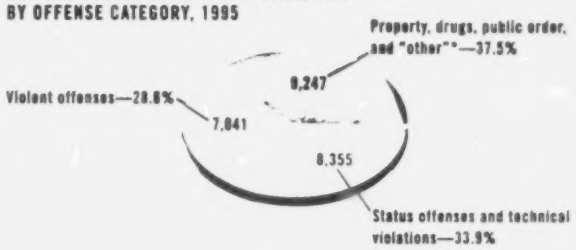
AVERAGE DAILY POPULATION OF JUVENILES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE B

ONE-DAY COUNTS IN DETENTION FACILITIES BY OFFENSE CATEGORY, 1995



*Examples of "other" include alcohol and technical violations.
Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

FIGURE C

JUVENILES IN PUBLIC DETENTION CENTERS BY MINORITY STATUS, 1985-1995

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985-1995.

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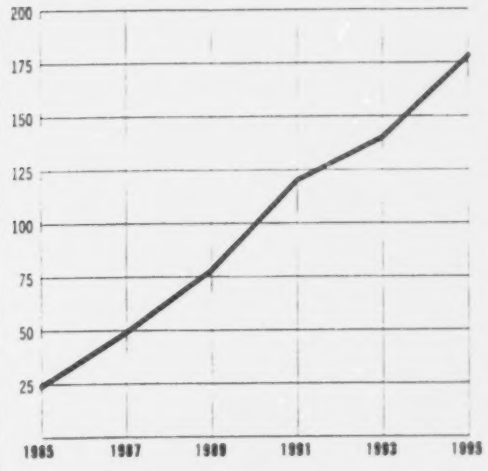
operating above their rated capacities rose by 642 percent, from 24 to 178, between 1985 and 1995 (*see Figure D*), and the percentage of youth held in overcrowded detention centers rose from 20 percent to 62 percent during the same decade *(see Figure E)*. In 1994, almost 320,000 juveniles entered overcrowded facilities compared to 61,000 a decade earlier.

FIGURE D

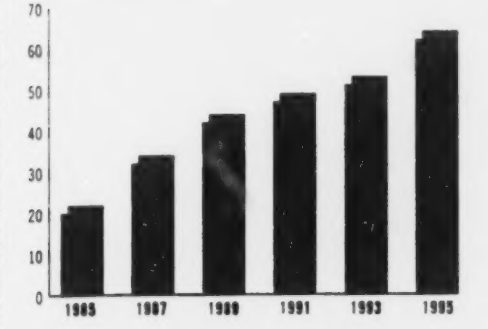
NUMBER OF OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

FIGURE E

PERCENTAGE OF JUVENILES IN OVERCROWDED U.S. PUBLIC DETENTION CENTERS, 1985-1995



Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

Crowding is not a housekeeping problem that simply requires facility administrators to put extra mattresses in day rooms when it's time for lights out. Years of research and court cases have concluded that overcrowding produces unsafe, unhealthy conditions for both detainees and staff. A recently published report by staff of the National Juvenile Detention Association and the Youth Law Center summarizes crowding's impact:

> *Crowding affects every aspect of institutional life, from the provision of basic services such as food and bathroom access to programming, recreation, and education. It stretches existing medical and mental health resources and, at the same time, produces more mental health and medical crises. Crowding places additional stress on the physical plant (heating, plumbing, air circulation) and makes it more difficult to maintain cleaning, laundry, and meal preparation. When staffing ratios fail to keep pace with population, the incidence of violence and suicidal behavior rises. In crowded facilities, staff invariably resort to increased control measures such as lockdowns and mechanical restraints.*[2]

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Crowding also puts additional financial pressure on an already expensive public service. Operating costs for public detention centers more than doubled between 1985 and 1995, from $362 million to almost $820 million *(see Figure F)*. Some of these increased operating expenses are no doubt due to emergencies, overtime, and other unbudgeted costs that result from crowding.

FIGURE F

TOTAL OPERATING EXPENDITURES IN U.S. PUBLIC DETENTION CENTERS, 1985-1995

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities, 1985–1995.

JDAI was developed as an alternative to these trends, as a demonstration that jurisdictions could control their detention destinies. The initiative had four objectives:

- to eliminate the inappropriate or unnecessary use of secure detention;
- to minimize failures to appear and the incidence of delinquent behavior;
- to redirect public finances from building new facility capacity to responsible alternative strategies; and
- to improve conditions in secure detention facilities.

To accomplish these objectives, participating sites pursued a set of strategies to change detention policies and practices. The first strategy was *collaboration,* the coming together of disparate juvenile justice system stakeholders and other potential partners (like schools, community groups, the mental health system) to confer, share information, develop system-wide policies, and to promote accountability. Collaboration was also essential for sites to build a consensus about the limited purposes of secure detention. Consistent with professional standards and most statutes, they agreed that secure detention should be used only *to ensure that alleged delinquents appear in court at the proper times and to protect the community by minimizing serious delinquent acts while their cases are being processed.*

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Armed with a clearer sense of purpose, the sites then examined their systems' operations, using objective data to clarify problems and dilemmas, and to suggest solutions. They changed how admissions decisions were made (to ensure that only high-risk youth were held), how cases were processed (particularly to reduce lengths of stay in secure detention), and created new alternatives to detention programs (so that the system had more options). Each site's detention facility was carefully inspected and deficiencies were corrected so that confined youth were held in constitutionally required conditions. Efforts to reduce disproportionate minority confinement, and to handle "special" detention cases (e.g., probation violations or warrants), were also undertaken.

In practice, these reforms proved far more difficult to implement than they are now to write about. We began JDAI with five sites: Cook County, IL; Milwaukee County, WI; Multnomah County, OR; New York City; and Sacramento County, CA. Just about when implementation activities were to begin, a dramatic shift occurred in the nation's juvenile justice policy environment. High-profile cases, such as the killing of several tourists in Florida, coupled with reports of significantly increased juvenile violence, spurred both media coverage and new legislation antithetical to JDAI's notion that some youth might be "inappropriately or unnecessarily" detained. This shift in public opinion complicated matters in virtually all of the sites. Political will for the reform strategies diminished as candidates tried to prove they were tougher on juvenile crime than their opponents. Administrators became reluctant to introduce changes that might be perceived as "soft" on delinquents. Legislation was enacted that drove detention use up in several places. Still, most of the sites persevered.

At the end of 1998, three of the original sites—Cook, Multnomah, and Sacramento Counties—remained JDAI participants. Each had implemented a complex array of detention system strategies. Each could claim that they had fundamentally transformed their system. Their experiences, in general, and the particular strategies that they implemented to make their detention systems smarter, fairer, more efficient, and more effective, offer a unique learning laboratory for policymakers and practitioners who want to improve this critical component of

the juvenile justice system. To capture their innovations and the lessons they learned, we have produced this series of publications—***Pathways to Juvenile Detention Reform.*** The series includes 13 monographs, all but two of which cover a key component of detention reform. (As for the other two monographs, one is a journalist's account of the initiative, while the other describes Florida's efforts to replicate Broward County's reforms statewide.) A complete list of the titles in the ***Pathways*** series is provided at the end of this publication.

By the end of 1999, JDAI's evaluators, the National Council on Crime and Delinquency, will have completed their analyses of the project, including quantitative evidence that will clarify whether the sites reduced reliance on secure detention without increasing rearrest or failure-to-appear rates. Data already available, some of which was used by the authors of these monographs, indicate that they did, in spite of the harsh policy environment that drove detention utilization up nationally.

For taking on these difficult challenges, and for sharing both their successes and their failures, the participants in the JDAI sites deserve sincere thanks. At a time when kids are often disproportionately blamed for many of society's problems, these individuals were willing to demonstrate that adults should and could make important changes in their own behavior to respond more effectively to juvenile crime.

Bart Lubow
Senior Associate and Initiative Manager
The Annie E. Casey Foundation

Notes

[1] In 1985, white youth were detained at the rate of 45 per 100,000, while African-American and Hispanic rates were 114 and 73, respectively. By 1995, rates for whites had decreased by 13 percent, while the rates for African-Americans (180 percent increase) and Hispanics (140 percent increase) had skyrocketed. Wordes, Madeline and Sharon M. Jones. 1998. "Trends in Juvenile Detention and Steps Toward Reform," *Crime and Delinquency, 44(4):*544-560.

[2] Burrell, Sue, et. al., *Crowding in Juvenile Detention Centers: A Problem-Solving Manual,* National Juvenile Detention Association and Youth Law Center, Richmond, KY, prepared for the U.S. Department of Justice, Department of Justice Programs, Office of Juvenile Justice and Delinquency Prevention (December 1998), at 5-6.

Chapter 1

WHY IS COMPREHENSIVE JUVENILE DETENTION PLANNING NEEDED?

A defining feature of the juvenile justice system is that when children are arrested, they may be taken to a secure detention facility and held without bail. The authority of government to incarcerate children awaiting trial has been justified by the U.S. Supreme Court as an exercise of the state's interest in protecting the public and the children themselves from harm.[1] In reality, juvenile detention practices in the United States do not always serve these protective goals. In many jurisdictions, children are detained in old and outmoded facilities for behaviors that range from truancy to violence, and they are sometimes packed so tightly in these institutions that it becomes impossible to provide adequate care. In such places, youth are often detained because officials cannot distinguish between those who present public safety risks and those who do not, or because there are no alternatives to secure custody, or because other human service systems deny these youth access. Lengths of stay in confinement are often longer than necessary because the adults who operate the juvenile justice system persist in inefficient practices. In many places, all these problems are present, making solutions all the more complicated to identify. Developing effective solutions to the inappropriate or unnecessary use of secure juvenile detention is, therefore, a complex undertaking, one that requires careful, comprehensive planning. This monograph is a guide to juvenile detention planning, based largely on the experiences of JDAI sites.

National trends and concerns reinforce the need for comprehensive juvenile detention planning. Among these are the following:

- **Increases in the detained juvenile population, overcrowding of facilities, and related litigation.** The number of juveniles confined in pre-trial detention facilities in the United States has been growing constantly. Between 1985 and 1995, the number climbed by 72 percent to nearly 24,000 per day.[2] Detention capacity has lagged: in 1985, about 20 percent of detained juveniles were in facilities crowded beyond their designed capacity, but by 1995, more than 60 percent of detained juveniles were in overcrowded facilities.[3] Overcrowding raises the level of

risk to which children in custody are exposed. For example, it makes it more difficult to segregate juveniles for purposes of safety and control.[4] In some jurisdictions, overcrowding and substandard conditions of confinement have led to litigation that resulted in court-ordered capacity limits and other forced remedies. Comprehensive detention planning can identify and cure detention problems before they escalate into scenarios of high risk, high cost, and high attorney fees.

- **The creation of expanded juvenile detention capacity.** Often the solution proposed for overcrowding is the construction of additional detention beds, units, or institutions. Construction costs can be high (in the range of $100,000 per bed), as can operating costs for each bed built (in the range of $36,000 per year). Before committing to new construction, local jurisdictions should initiate a planning process to confirm the need for new secure juvenile capacity and to identify alternatives that can optimize the cost and effectiveness of the total detention system. This monograph describes established protocols for forecasting the number of juvenile detention beds needed in future years.

- **The cost of juvenile detention.** Within a jurisdiction, juvenile detention practice often evolves over time without planning. The cumulative effect can be an elaborate, inefficient, and expensive machinery of detention. There may be no front-gate controls over admissions. There may be no attempt to shorten case processing times to reduce lengths of detention stays. There may be a pileup of children in post-disposition confinement. There may be confusion and duplication in the roles of probation, court, child welfare, and other agencies that have a piece of the detention process. These dysfunctional elements can produce high detention rates and high operating costs. Good planning can identify points of dysfunction or inefficiency in the juvenile detention process, linking them to strategies for change.

- **Conditions of confinement and quality of care.** Even in the absence of overcrowding, conditions of confinement merit comprehensive local review. Physical or environmental deficiencies in the detention structure may pose risks to health and safety. Gaps may exist in institutional programs and services like recreation,

education, and health care. Comprehensive planning can help local officials choose strategies to correct deficiencies in facilities and programs, while also providing insulation against litigation and improving quality of care for children in detention.

- **Disparate treatment of juveniles charged with offenses.** Minority youth are consistently over-represented in detained juvenile populations. Black youth in particular are held in public detention centers at rates well in excess of their representation in the general population, and evidence exists that this over-representation persists even when analysis of detention admissions is limited to juveniles with the same offenses.[5] Comprehensive detention planning offers an opportunity to identify and redress ethnic and other disparities in detention practice.

This planning approach is designed to help jurisdictions gain an accurate understanding of their own detention policies, practices, and problems. It describes a structured planning model that has been tested and refined at JDAI sites over a five-year period. It makes reference to a variety of solutions to juvenile detention problems — solutions that planners in other jurisdictions can use to address needs identified by their own planning teams.

Notes

[1]*Schall v. Martin*, 467 US 253, 104 S.Ct 2403 (1984).

[2]National Council on Crime and Delinquency, *Juvenile Detention Alternatives Initiative Interim Summary Evaluation Report*, 1998, p. iv.

[3]Ibid, at p. v.

[4]A national study of youth correctional facilities in 1994 documented the impact of overcrowding on conditions of confinement, finding greater rates of injury to youth, assaults on staff, and self-destructive behavior in crowded facilities. Dale Parent et al., *Conditions of Confinement: Juvenile Detention and Corrections Facilities: Research Report* (Abt Associates and OJJDP), 1996.

[5]This "residual ethnic disparity" effect for African American juveniles in secure California facilities is described in James Austin, Juanita Dimas, and David Steinhart, *The Over-Representation of Minority Youth in California's Secure Facilities*, (California Office of Criminal Justice Planning and National Council on Crime and Delinquency), 1991, pp. 67-76.

Chapter 2

GUIDING PRINCIPLES

A number of important principles emerged from the work of the JDAI sites that should guide detention reform planning.

- **Detention planning must be based on adequate data.** Juvenile detention is a complex operation affecting minors with varying individual risks and needs. Objective data on current caseloads and operations must be collected to build an accurate, factual foundation for proposed reforms. The reforms selected by planners should be linked to and guided by the data collected.

- **Detention planning must be collaborative.** The juvenile detention process involves multiple public and private agencies and stakeholders. Detention planning is unlikely to be successful unless it offers these multiple stakeholders opportunity for input into the detention reform process. Collaboration helps to create common understanding about detention problems and to generate broader acceptance of proposed reforms. Collaboration is also the key to resolving interagency differences that can stand in the way of reform.

- **Detention planners should maintain a thematic focus on creating a continuum of detention options, including a rational set of alternatives to secure, pre-trial custody.** Not every minor arrested for an offense needs secure confinement, and many are suitable for referral to a non-secure alternative to pre-trial detention. The structured planning process is designed not only to help identify children who are suitable for non-secure care, but also to help planners select and implement a suitable array of programmatic alternatives to secure custody.

- **Planning should be guided by the objective of improving system efficiency from both operational and cost perspectives.** The structured planning process is designed to streamline the processing of cases through the juvenile courts, to reduce unnecessarily long stays in detention, and to minimize the construction and future operating costs that would be generated by adding new (and perhaps unnecessary) detention capacity. Planners should be prepared to recommend changes in case processing that can accelerate the movement of cases and reduce

stays in detention. To be fiscally responsible, planners should carefully screen proposals to add new detention capacity or to build new detention facilities using population forecast methodology applied in JDAI to confirm the need for such capacity.

- **Planning should be comprehensive in scope.** The planning approach described in this report is comprehensive. It addresses a variety of issues such as detention bed use, conditions of confinement, case processing delays, the relationships of juvenile justice stakeholders, and minority over-representation in confinement. Because the system's problems are complex and inter-related, and because potential solutions are also often interdependent, effective planning requires information collected on the multiple fronts described in this guide. This type of comprehensive approach offers the best foundation for an informed assessment of local detention problems and for the selection of prudent implementation priorities.

- **Planning must be oriented toward action and practical results.** The structured planning process presented here will yield a wealth of information about caseloads, facilities, and costs. Based on the experience of JDAI sites, planners may initially feel overwhelmed by the volume of data and by the long menu of possible reforms. An important guiding principle is that planning must lead to action and to practical results. This means that planners must be prepared to prioritize their recommendations for reform and to move from discussion to action. This planning tool offers some helpful hints on prioritizing reforms and taking first implementation steps.

Chapter 3

GETTING STARTED

What Signals the Need for Reform?

The impetus for juvenile detention reform will vary from venue to venue. In the case of the JDAI projects, chronic crowding was a prime motivator (although the promise of substantial private sector funding from the Casey Foundation must be acknowledged). In other places, the push for juvenile detention reform may come from threatened or pending litigation, from children's advocacy groups demanding local policy changes, from the looming cost of new construction for additional detention beds, or simply from a leader who wants his or her jurisdiction to do the right thing.

In the absence of some external force or authority to compel review, the need to engage in detention planning may go unrecognized. Usually, however, some fairly visible problems should alert local juvenile justice professionals to the need to review current detention practice and plan new strategies and solutions. Some of the symptoms that indicate a need to re-examine the present system are listed in Figure 1.

FIGURE 1

COMMON PROBLEMS INDICATING A NEED FOR COMPREHENSIVE JUVENILE DETENTION PLANNING

- Overcrowding in the detention facility
- No screening criteria applied at intake
- Proposed construction of new facility or additional detention capacity
- High detention rates for status offenders, misdemeanor property/drug cases
- High rates of disproportionate minority confinement
- High detention rates for children with failures to appear, technical probation violators
- Lots of post-disposition youth (e.g., placement failures) in custody
- Detention beds filled with adult court cases
- Deteriorating facility, substandard conditions of confinement
- Children locked down for long periods of time during the day
- Physical or chemical restraints employed to control children
- High rate of AWOLs or escapes
- Few or no alternatives to secure detention available
- Hostile relations, poor communication between agencies with juvenile detention roles or responsibilities

Collaboration as a Key Requirement

The need for collaborative planning is suggested first by the complex nature of the juvenile detention process—one that involves multiple agencies and stakeholders from the public and private sectors. Unilateral or dictatorial approaches to detention reform are unlikely to succeed. As the Hon. William Hibbler, a former Presiding Judge of the Cook County Juvenile Court, warned, "I could have tried to impose detention reforms by fiat. Trouble is, when Hibbler goes, the fiat goes." A collaborative planning

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process spreads the commitment and allegiance to reform, providing better assurance that changes will endure.

In some venues, juvenile justice agencies have a checkered history of non-cooperation or mutual distrust, even though they may share responsibility for the handling of children at various stages of processing. For example, to make JDAI work in Cook County, local officials had to resolve long-standing differences between the judicial branch of government (which controls probation and court services) and the executive branch (which operates the detention center). Collaboration provides the opportunity to resolve these differences.

The JDAI Planning Collaboratives

Detention reform planning at each of the participating JDAI sites was overseen by a planning collaborative. In a 1993 planning guide, the Annie E. Casey Foundation proposed that each planning collaborative should include decision makers with a significant stake in the juvenile justice and related youth service systems as well as representatives of advocacy and community organizations. Members should be high-ranking officials with policy-making authority, individuals who can articulate a vision of a reformed system and who have the influence to make the vision a reality.[1] Stakeholders suggested for inclusion in the collaborative are shown in Figure 2.

FIGURE 2
STAKEHOLDERS TO BE INCLUDED IN JUVENILE DETENTION PLANNING COLLABORATIVES

- Police, other law enforcement agencies
- Probation department
- Juvenile Court
- Prosecutor's office
- Defense attorneys
- Schools
- Other public agencies with youth clients (child welfare, health, mental health)
- Elected local/state officials (e.g., city council)
- Community-based youth service agencies
- Private residential care providers
- Children's advocacy groups

JDAI planning collaboratives varied greatly as to their composition, size, and number of subcommittees. The average size of the core planning group across five sites was about 30 members. In all cases they included strong representation from core juvenile justice agencies (e.g., juvenile court, probation department), supplemented by members from local government and other public youth agencies (e.g., schools). In most cases they also included represen-

tation from community organizations and private nonprofit service providers.[2] Most of the sites established subcommittees or working groups to develop site plans in relation to particular subjects. Typically, working groups were created in specialized areas such as management information systems, detention policies and procedures, or alternatives to secure detention.[3]

In the context of JDAI, these planning groups tended to be rather large, at least at the outset of the initiative. For jurisdictions taking first or tentative steps on the path to detention reform, the questions of how large, how elaborate, and how representative a planning group should be remain open and without prescribed answers. To some extent the answers depend on a variety of local circumstances such as the extent of detention problems, the anticipated scope of the reform effort, and the quality of existing interagency relationships. As a rule, it is dangerous to undertake detention reform without adequate stakeholder representation, because solutions will ultimately require the support and possibly the revenue participation of multiple public and private agencies. One approach is to start small but become more inclusive, adding representation as the planning process moves into broader areas of coverage.

Some members of the collaborative will begin with a more sophisticated understanding of detention issues than others. It will be important from the start to educate those planners who need to learn more about juvenile detention. At multiple points in the text below, the need to engage outside experts and consultants is highlighted. It may be advisable to start the education and technical assistance process early, by inviting juvenile justice professionals from JDAI jurisdictions or others experienced in detention reform to speak to the collaborative and to help identify training and education needs likely to arise as the reform effort goes forward. The collaborative may wish to assign specific subject areas to particular members, so that they can develop specialized information and share it with other planners as the need arises.

Each JDAI planning collaborative became a nucleus for consensus building among stakeholders and the broader community. The process of meeting and planning together helped to create buy-in from participants for proposed detention

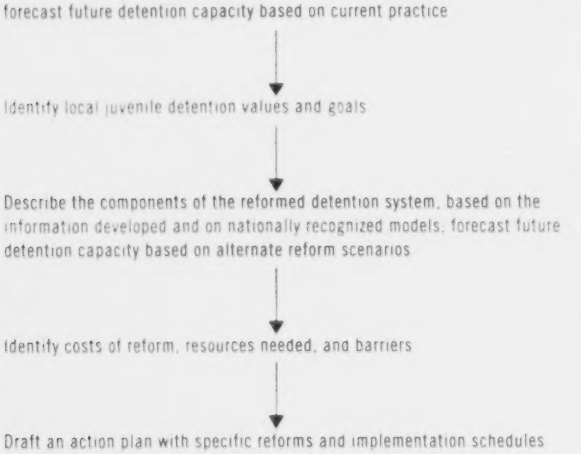
reforms. The experience of JDAI was that consensus was not always achieved quickly or easily. Planners should prepare for resistance to reform, even among members of the collaborative.

For example, in all JDAI projects, some prosecutors displayed initial resistance to policies resulting in diversion or release of arrested youth. As a rule these oppositional postures softened over time as stakeholders began to appreciate the benefits of detention reform.[4] To the extent possible, planners should identify pockets of resistance within the collaborative and the local community, and they should work to build acceptance of reform goals among all relevant stakeholders. Planners should also scan the horizon for other barriers or obstacles to reform that seem likely to arise.

The responsibilities of the planning collaborative were summarized by the Foundation in its 1993 planning guide. This overview worked well for JDAI and remains useful to this day. In summary form, the key responsibilities are presented in Figure 3.

FIGURE 3

JUVENILE DETENTION PLANNING MODEL MAJOR MILESTONES


Document and describe the current juvenile detention system and its effects; forecast future detention capacity based on current practice
Identify local juvenile detention values and goals
Describe the components of the reformed detention system, based on the information developed and on nationally recognized models; forecast future detention capacity based on alternate reform scenarios
Identify costs of reform, resources needed, and barriers
Draft an action plan with specific reforms and implementation schedules

How Do Administrative Structures Affect Collaborative Planning?

Different jurisdictions have different administrative structures for detention facilities and operations. In Massachusetts, for example, juvenile detention is a state-run operation. But in most states, juvenile services and facilities are locally administered. Local models of control are themselves quite varied from site to site. In New York City, for example, the Department of Juvenile Justice operates the city's juvenile detention facilities, but it is separate from the Probation Department. In Sacramento, California, juvenile probation is both an arm of the juvenile court and the entity responsible for initial detention decisions and operation of the detention facility. These structural differences may pre-wire

planning and reform strategies along different pathways. For example, in a state-run detention system, interagency collaboration should engage large state bureaucracies in the planning effort. In some local systems, the juvenile justice decision-making tradition is more horizontal than vertical, involving a greater degree of participation from line staff or employee unions than in other jurisdictions where policy is crafted along more hierarchical "top-down" lines. These structural differences can be accommodated in the planning process and are unlikely to create insurmountable barriers to reform.[5] The planning approach described here can be implemented through any of these structures.

Notes

[1]Annie E. Casey Foundation, *Planning Guide for the Juvenile Detention Alternatives Initiative*, 1993.

[2]Sacramento County appeared to be an exception to the practice of including private, community-based representation on its Planning Collaborative. Sacramento designated the Juvenile Institutions and Program Committee of its county Criminal Justice Council to serve as the planning committee under JDAI; this "JIPC" group consisted of representatives of 14 (later expanded to 22) representatives of the Juvenile Court, Probation Department, and other public youth-serving agencies. Implementation in Sacramento was overseen by three separate groups with predominantly public agency membership. As constituted, this "trio of collaborative working groups" was credited by NCCD in its January 1998 Interim Evaluation Report as "highly effective in planning, revising and implementing programs and policies," with an ability to "easily solve problems and reach consensus."

[3]For example, during the implementation phase, the New York JDAI collaborative consisted of a 30-member Advisory Board (government branch and agency chiefs), a 10-member Steering Committee, and six "workgroups" (Cost, Data, Legislation, Program, Research, and Systems). Milwaukee's collaborative was somewhat leaner with a 31-member Steering Committee and two workgroups (Policies and Procedures and Alternative Programs).

[4]In Sacramento, JDAI planners decided to create an early cross-disciplinary understanding of detention problems and reform principles. They participated in a retreat where they discussed their concerns and heard from outside experts and consultants. The retreat served as an educational opportunity for all planners, especially those who were less well-informed about juvenile detention issues. The retreat also smoothed the way to better working relationships, facilitating the reform process down the road.

[5]This is not to suggest that structural issues are never barriers to progress. In Cook County, for example, probation and court services operated under the authority of the juvenile court while the detention center was under the auspices of county government. This division of authority was reflected by gaps in cooperation and understanding between these agencies—differences that were largely resolved later in the implementation process.

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Chapter 4

STAGE ONE: DOCUMENT AND DESCRIBE THE CURRENT JUVENILE DETENTION SYSTEM

The first stage in the planning process is to collect accurate information about the current juvenile detention system that will provide planners with a detailed picture of detention caseloads, procedures, policies, and costs. This detail is absolutely necessary as a foundation or superstructure to support proposed changes. A checklist of the basic questions to be answered in this stage is shown in Figure 4. Four steps are recommended: 1) quantitative analysis, 2) systems analysis, 3) conditions analysis, and 4) cost analysis.

Step 1: Quantitative Analysis

A guiding principle of juvenile detention reform is that it must be grounded in good data. A quantitative analysis of current detention is therefore an essential part of detention reform planning. One of the major contributions made by JDAI has been its development of protocols for the collection of juvenile detention data. Because each site had different data and information management capabilities, JDAI is a repository of diverse experience in regard to MIS development for juvenile detention reform. These sites were able to develop adequate planning information without having to make huge investments in the design and installation of new automated information systems.[1]

Aggregate System Data

The easiest information to gather is aggregate, system-wide data on juvenile justice clients, caseloads, and facilities. Law enforcement, probation, and other agencies can often provide key data from existing, automated databases. Demographic data is usually available from state agencies that have census information and population projections by age for budget and fiscal applications. Planners will want to get their hands on the following aggregate data (if available) for time frames of sufficient length to show multi-year trends.

FIGURE 4

ISSUES AND INFORMATION NEEDS OF DETENTION REFORM PLANNING

- What is the juvenile crime profile of the jurisdiction? What are the key data in relation to arrests, offenses, petitions, and adjudications for delinquency? What youth demographic trends, affecting future arrests and referrals, can be identified?
- What are the characteristics of the detained juvenile population, including personal and offense-related information? What are the characteristics of juveniles released from custody (without secure detention) under current practice?
- What are the key detention facility data in relation to average daily population, admissions, length of stay, and other factors? What loads are placed on the facility by particular sub-populations of detained youth (e.g., probation violators, post-disposition minors awaiting placement)?
- What are the system's failure-to-appear and pre-trial rearrest rates?
- What is the juvenile detention process? Who are the detention decision makers at each stage, from apprehension through final disposition? Which case processing practices extend detention stays? Can the effects of particular case processing delays on detention utilization be quantified?
- What laws and statutes govern the detention process? Are there mandatory detention statutes that apply? Are minors under adult court jurisdiction detained in the juvenile facility?
- Are there notable disparities in detention utilization across racial, ethnic, or gender sub-populations?
- What are the conditions of confinement in the detention center? What is the quality of the programs offered or administered in detention?
- What alternatives to secure detention are presently available, and how are they used?
- What is the juvenile offender information-gathering capability of the local MIS system?
- What are the costs of current detention practice?
- Based on current policy and practice, what future secure detention capacity will be needed?

Arrest, Referral, and Demographic Data

- Demographic data on the at-risk juvenile population (e.g., age, gender, projected growth)
- Juvenile arrest data by major offense groups and other elements (e.g., age, ethnicity)
- Probation or detention intake data showing referrals to detention by as many characteristics as may be available (e.g., age, gender, offense)

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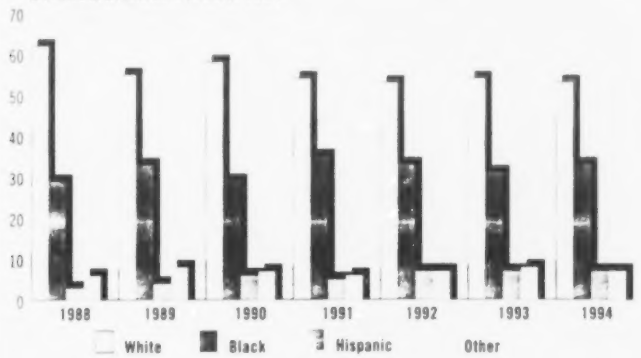
- Petition data showing the number and types of cases petitioned, with related dispositions.

These data can be formatted as charts or tables showing the characteristics of referral populations and referral trends over a period of years. An example from Multnomah County is shown as Figure 5. The demographic data should include projections of future growth in the at-risk (referral to detention) population; this information is necessary for the projection of future detention bed space requirements, discussed later in this report.

Facility Population Counts

One-day samples of the facility population (taken at least once per month) are relatively easy to arrange and can yield vital information for juvenile detention planning purposes. For each counting day, the detention population should be tallied according to offense groups, court or processing status (e.g., post-disposition status), and other categories suspected of imposing high detention loads. For example, if a heavy load of placement-bound minors is found in detention, reviewers will want to make regular counts of this discrete sub-group of detainees. Length-of-stay information can also be calculated for the sub-populations. The information should be assembled into charts or tables showing detention bed use by type of case. These tallies can (and should) be repeated at multiple times to display detention practice trends. An example from JDAI is Figure 6.

FIGURE 5
MULTNOMAH COUNTY
PERCENTAGE OF ADMISSIONS TO SECURE DETENTION
BY RACE/ETHNICITY, 1988-1994



Source: National Council on Crime and Delinquency

Individual Case Data

Aggregate data are generally not sufficient to support juvenile detention planning needs. Individual case data should be collected. This means that each minor going through the process must, for at least some window of time, be surveyed to determine multiple characteristics. These characteristics can then be cross-tabulated and compared to meet various planning needs, including:

FIGURE 6

NEW YORK CITY
SECURE DETENTION: RELEASES FOR PRE-ADJUDICATED YOUTH AVERAGE LENGTH OF STAY, FY1991-FY1994

Source: National Council on Crime and Delinquency.

- to identify who is detained, or to reveal disparities in detention practice
- to clarify which cases stay longest in confinement
- to forecast future facility populations (and, in turn, future needs for alternatives or new beds)
- to design and monitor objective detention screening instruments.

Individual case data can be collected by a retrospective review of existing juvenile case records, if those records contain sufficient information; in the best-case scenario, an existing automated juvenile justice data system will already have most of it. However, existing data systems often lack key data needed for proper detention analysis. In these jurisdictions, new data must be collected on juveniles entering and exiting the system. Sampling is usually needed for several months to accumulate an adequate amount of information. Described below are the key data elements that should be captured.

- **Referral and admission characteristics.** Planners will need to identify the characteristics of juveniles referred to and admitted to the detention facility. The survey of admission characteristics should include, in addition to personal identifiers such as name and address, the following basic elements, both for detained and non-detained juveniles: age, gender, ethnicity, most serious offense, one or more indicators of offense history, probation status, school status (if any), and one or more indicators of family status.

FIGURE 7

COOK COUNTY
SCREENED CASES BY YEAR AND OFFENSE, MARCH 1995 TO DECEMBER 1996

Year	Offense	Number Screened	Number Released with Conditions	Percent Released with Conditions	Number Released without Conditions	Percent Released without Conditions	Detain	Percent Detain
1995	Violent	2,048	153	7%	502	25%	1,393	68%
	Property	1,673	120	7%	585	35%	968	58%
	Weapons	1,165	151	13%	338	29%	676	58%
	Drugs	2,594	204	8%	1,076	41%	1,314	51%
	Public Order	99	3	3%	30	30%	66	67%
	Warrant/Probation Violation	2,080	43	2%	70	3%	1,967	95%
	Other	80	7	9%	24	30%	49	61%
	DOC Hold	1	0	0%	1	100%	—	0%
	Unknown	147	3	2%	20	14%	124	84%
	Automatic Transfer	290	0	0%	0	0%	290	100%
	SUBTOTAL	10,177	684	7%	2,646	26%	6,847	67%
1996	Violent	2,438	1,007	41%	314	13%	1,117	46%
	Property	2,396	583	24%	1,013	42%	800	33%
	Weapons	1,166	652	56%	39	3%	475	41%
	Drugs	3,792	1,273	34%	1,634	43%	885	23%
	Public Order	148	48	32%	50	34%	50	34%
	Warrant/Probation Violation	2,150	220	10%	52	2%	1,878	87%
	Other	192	97	51%	37	19%	58	30%
	DOC Hold	3	0	0%	2	67%	1	33%
	Unknown	242	30	12%	20	8%	192	79%
	Automatic Transfer	174	0	0%	0	0%	174	100%
	SUBTOTAL	12,701	3,910	31%	3,161	25%	5,630	44%

Source: Prober Database.

The record must disclose whether the minor was released at intake or detained, and if detained, a principal reason for detention (e.g., risk screening score, warrant). This information should be formatted as a series of tables and charts that answer specific questions about juvenile detention practice. Figure 7 is one such example from Cook County, showing cases screened for detention over two years, listed by offense with percentage detained and released and additional information on the type of release.

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- **Detention exit characteristics.** It is necessary to know how long each minor stayed in detention and why (and where) he or she was ultimately released. The length-of-stay information is critical for several parts of the analysis and should include detention exit time and date, reason for release, person or institution to whom released, and the legal status of the minor when released (e.g., awaiting adjudication, post-disposition). These data can then be cross-tabulated with other characteristics, such as offense. Data on admissions and releases can be combined as tables or charts showing detention bed use for specific sub-groups of detainees. Figure 8 from Sacramento County is an example of how this information can be assembled and displayed to show length of stay and bed space demand for different offense groups.

FIGURE 8

SACRAMENTO COUNTY
DETENTION FACILITY BED SPACE CHART
ADMISSIONS, LENGTH OF STAY, AND BEDS OCCUPIED BY OFFENSE TYPE, 1995

Most Serious Offense Type	Number of Admissions	Percent of Admissions	Average LOS (Days)	Beds Needed for Admissions (ADP)
707 Offense	154	3%	145.6	61
Violence	399	9%	23.0	25
Weapons	133	3%	19.5	7
Drug Laws	132	3%	19.0	7
Property	396	9%	19.9	22
Vehicle Theft	422	9%	21.7	25
Other Felony	137	3%	30.1	11
Other Misdemeanor	124	3%	11.7	4
Probation Violation/Warrant/Program Failure and New Charge	352	8%	20.5	20
Pre-disposition Program Failure	153	3%	18.9	8
Post-disposition Program Failure	674	15%	28.0	52
Probation Violation	356	8%	12.7	12
Warrant	389	8%	16.1	17
Remand/Court Hold	212	5%	12.1	7
Disciplinary Hold	309	7%	7.1	6
Weekend/Courtesy Hold/Medical Hold	177	4%	2.4	1
Transfer In	96	2%	19.6	5
Unknown	23	0%	9.4	1
TOTAL	4,638	100%	22.9	291

Source: JJI Database.

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■ **Outcomes for detained and non-detained juveniles.** Planners will want to know whether current detention and release policies are working to protect the public and to assure the appearance of the minor in court. Non-detained minors should be followed to determine their FTA (failure-to-appear) rate as well as the number and severity of justice system contacts while on release status. The recent history of juvenile detention reform suggests that, in general, children do quite well on release status or home detention, with low FTA rates and low re-offense rates compared to adults on bail.2 An example of FTA tracking for detained and non-detained minors in Multnomah County is shown as Figure 9. Planners should implement a release-tracking system early in the detention reform process, both to provide a baseline against which to measure the effectiveness of reform strategies and to establish a dependable future means of monitoring released youth.

FIGURE 9
FAILURE-TO-APPEAR RATES BY DETENTION INTAKE DECISION MULTNOMAH COUNTY, 1994-1996

	FTA % 1994	FTA % 1995	FTA % 1996
NOT DETAINED			
Screened and released	8	5	6
Cited and released	16	7	10
Other not detained	6	3	6
DETAINED			
Felony	6	2	2
Assault	3	3	2
Warrant	1	1	0
Probation Violation	1	1	3
TOTAL	6	4	5

Source: National Council on Crime and Delinquency.

■ **Data to support case processing reforms.** Case processing times (time between key events from arrest to disposition) can be tracked for detained and non-detained children. The effects of specific case processing reforms (e.g., "detention early resolution," described later in this report) can also be quantified to show reductions in case processing time and related declines in bed use for particular sub-groups of detained youth. Over time, planners can chart their progress toward the goal of reducing case processing time; see, for example, Figure 10, which displays case processing times over three years in Sacramento County.

■ **Data needed to project future detention capacity needs.** For many jurisdictions, the prime motive for detention reform planning may well be a perceived need to add new juvenile detention capacity. Planners in these venues will want to take advantage of specialized projection methodology refined for juvenile detention

applications. All JDAI participants cooperated with the National Council on Crime and Delinquency (NCCD) to produce projections of their own future detention populations and bed space needs, using this methodology. The methodology and related data requirements are described later in the section entitled "To Build or Not to Build New Detention Capacity," with examples from Sacramento County. The projection methodology remains somewhat specialized, and planners with interest in bed space projections are advised to obtain the services of one of the criminal or juvenile justice organizations experienced in projection analysis. The cost of professional help and of producing the projection may well be offset where the projection shows ways to avoid future construction and operating costs.

FIGURE 10

SACRAMENTO COUNTY CASE PROCESSING TIME BY INTAKE DETENTION STATUS, 1994-1996

Intake Detention Status	Number of Days 1994	1995	1996
NOT DETAINED	98	68	60
Released to Self/Parent/Guardian	103	78	58
Home Supervision	64	48	45
Accelerated Citation	100	43	44
Non-Detainable Petition	107	75	67
Intake Detain <1 day	46	51	38
DETAINED	57	53	42
707 Offense	88	90	80
Violence	59	52	49
Weapons	63	47	35
Drug Laws	62	53	54
Property	58	53	38
Vehicle Theft	46	49	37
Other Felony	64	51	37
Other Misdemeanor	80	47	31
Probation Violation/Warrant/Program Failure and New Charge	46	46	36
TOTAL	80	62	53

Source: National Council on Crime and Delinquency.

Obstacles to Data Collection

Invariably, detention planners will encounter obstacles to collection of certain data. Many and perhaps most venues are saddled with old or cumbersome juvenile justice information systems. Key agencies may not be automated. Others may be automated but not programmed or even programmable to collect referral and detention information at the level of precision needed for good planning. A persistent problem across all JDAI sites was the incompatibility of information systems across agencies. In Cook County, for example, probation and detention facility data were on separate information systems, and the juvenile court was not automated at all. In New York, the Department of Juvenile Justice, the Probation Department, and the Corporation Counsel (prosecutor) had separate information systems tracking similar and

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overlapping juvenile justice events. Both sites have now taken steps to replace their old information systems with more modern interagency networks.

Other jurisdictions may lack the extended MIS support that was made available under JDAI. In these venues, collaborators will need to assess their data gathering and -monitoring capabilities early in the planning process. Outside expertise will be useful. MIS experts who understand juvenile justice applications can guide planners toward cost-effective upgrades of their information systems and recommend a variety of MIS enhancements to facilitate collection of the key data described above. These upgrades and enhancements do not always need to be elaborate, interagency networks operated with high-priced software. They can instead be PC-based applications dedicated to specific juvenile justice information development tasks. Although replacement of outdated information systems is a laudable goal, the information needed can be obtained through shorter term and less costly studies of the populations and facilities under review. For more detailed discussion of MIS issues, see the *Pathways* guide *By the Numbers: The Role of Data and Information in Detention Reform.*

Step 2: Systems Analysis

A "systems analysis" is a review of detention polices and procedures. It provides vital information to planners that can help them shorten case processing time, reduce detention bed utilization, and improve outcomes for detained minors. The analysis also includes an examination of the roles and responsibilities of the agencies involved in the detention process. This can help identify confusion over purpose or causes of delays and lead to adjustments that can streamline the flow of cases through detention facilities and courts.

Case Processing Flow Chart

At the outset, planners should establish a common understanding of how their detention process works. For this purpose, a case processing flow chart should be constructed to show entry and exit points for each juvenile from arrest through post-disposition returns to the facility. The chart should enable planners to identify the agency (e.g., police, probation, judiciary) responsible for decisions made at

each critical point, and it should indicate time lines for decisions made by each stakeholder, from initial referral to final disposition of the case.

Case Processing Time

In the systems analysis, planners should review points of delay from a qualitative perspective. Among JDAI sites, backlogged court calendars and attorney continuances kept detained minors in custody for long periods of time. For each subgroup of children whose detention time is extended by processing delays, planners will need to determine the entities (e.g., courts, probation, attorneys, police) and practices that may contribute to these delays. Delays affect both detained and non-detained youth, but in general, non-detained children experience much longer waiting times for court hearings than detained youth. Delays between arrest and a first court hearing can contribute to high failure-to-appear (FTA) rates and to bench warrants leading to arrest and mandatory detention. Among JDAI sites, Cook County had especially high FTA rates and related bench warrants. Planners there were able to ameliorate this problem with multiple changes in procedures for non-detained juveniles. These included a new requirement that non-detained youth be sent written notification of the next hearing date, the creation of a new warrant category ("detention not mandatory") for minors with mitigating factors related to the FTA, and a special court calendar for non-detained youth.[3]

Delays between arrest and a first court hearing can contribute to high failure-to-appear rates.

Detention Laws and Policies

Planners should map out laws and policies that govern current detention practices. State statutes, including mandatory detention laws and their effects on local practice, should be identified. Moreover, attention should be focused on the impact of laws that provide for the waiver or transfer of minors to adult court jurisdiction. In some states, minors prosecuted in adult courts remain in juvenile detention facilities, often for very long periods, awaiting criminal trials for serious and violent crimes. Housing these minors in juvenile facilities, while benign as an

alternative to adult jail, may impose significant burdens and costs on the juvenile facility that must be evaluated by detention planners.

Detention and Release Procedures

Special scrutiny should be focused on detention and release policies and procedures. What policies or protocols guide police decisions to release minors in the field or transport them to the detention facility? What discretion do intake staff at the detention facility have to detain or release youth referred by police? What roles do the defense and prosecuting attorneys play in affecting detention or release? Does the court support a policy of swift release for low-risk youth? Under what circumstances can children be referred to alternative programs or be released after an initial detention and before trial? What limits on detention apply to younger children (e.g., under 12) or to children with special needs (e.g., developmentally disabled)? All these issues should be reviewed by the planners.

Effort should be made to identify disparities in decision making at intake that may result in high detention rates for minority youth.

There should be an especially strong focus in this part of the analysis on detention intake. A specific report should cover the authority of intake personnel to make detain or release decisions, the criteria they apply, the diversion or alternative programs they use, and the time lines involved. Effort should be made to identify disparities in decision making at intake that may result in high detention rates for minority youth.

Post-disposition Caseloads

In some jurisdictions, minors on post-disposition status occupy a large share of available detention beds. Among JDAI participants, Sacramento was plagued with chronic backlogs of minors waiting to go to private placements. Planners need to understand detention practices for post-disposition minors as a starting point for reforms that can move these children more quickly to their court-ordered dispositions.

Alternatives to Detention

In the planning stage, stakeholders should thoroughly explore the current use of alternatives to detention. Is there a home detention or electronic monitoring

program as a mid-range option? Are other "community detention" programs or options available? Is there adequate non-secure shelter space for youth who cannot be returned home? The systems analysis should describe alternatives currently available, their levels of use, their target populations, waiting lists (if any), and success rates.

Roles and Policies of Detention Decision Makers

The systems analysis should scrutinize the roles and responsibilities of detention decision makers. The planning collaborative, if it is broadly representative of multiple disciplines, is an ideal forum for the discussion of this subject. The analysis should note gaps in communication or areas of dysfunction among the players that need to be addressed. This can and probably should be a time-consuming area of analysis.

Planners may discover a need for better interagency coordination of detention policies. For example, in New York City, police were unhappy with the fact that many of the youth they drove to the Spofford Detention Center in the Bronx were being released by intake staff, essentially countermanding the decision made by the police officer in the field. When the two agencies discussed the matter, they found that Spofford staff were making special efforts to identify responsible adults who could take custody of lower-risk youth. Subsequently, police policies were modified to conform to detention center policies on release to responsible adults. In this way, children were moved quickly and directly to non-secure status, the police were able to avoid unnecessary transports to the Bronx, and two New York City agencies achieved parity of detention policy.

Attorney roles may demand special attention in this phase of the analysis. Despite the supposedly informal nature of juvenile compared to adult court proceedings, the juvenile justice process remains an adversarial one. Tactical maneuvers by lawyers, such as routine requests for continuances, can have the unwitting effect of lengthening detention stays. In each JDAI site, attorney roles were reviewed to identify practices that might contribute to case processing delays and to pursue points of cooperation that might lead to speedier case resolutions.

Disproportionate Minority Confinement

The systems analysis is an opportunity to review the issue of disproportionate minority confinement (DMC) from a qualitative perspective. The detention subgroup data already developed should enable planners to identify points in the detention process (from arrest to disposition) where DMC is most prevalent. Where it appears for low-level offenses, planners will want to scrutinize police referral and detention intake policies, and a key remedy may be implementation of objective risk-screening instruments. Where the disproportion mainly affects minors with more serious offenses, planners will need to take a deeper look at community-wide factors that contribute to excessive contacts with the justice system for particular ethnic groups. One technique used in the California study of DMC performed for the federal Office of Juvenile Justice and Delinquency Prevention was to convene local focus groups to explore the causes of minority overrepresentation. Attendance in the focus groups was balanced between public officials and representatives of community-based and minority organizations. The focus groups provided valuable information about racial bias in the justice system, about the cultural awareness of law enforcement officers, and about the need for improved communication between the justice system and the community.[4]

Step 3: Conditions Analysis

The decision to place a minor in secure pre-trial detention carries with it a set of governmental obligations rooted in constitutional law. Minors deprived of liberty are constitutionally entitled to safe and humane care. Planners also need to recognize that secure juvenile detention exposes children to specific risks, such as assault by another juvenile or staff person, self-destructive behavior including suicide, and injury related to some hazardous condition in the facility. The level of risk is compounded by overcrowding, by longer lengths of stay, and by deteriorating physical plants. To meet legal standards of care and to ensure the protection of children and staff, it will be important for planners to conduct a thorough review of the conditions of confinement.

In JDAI, the conditions analysis was performed for all sites by the Youth Law Center, a San Francisco-based nonprofit nationally recognized for litigation and

expertise in this field. The Center followed an assessment format that focused on eight key areas of scrutiny, collectively described with the acronym "CHAPTERS;" see Figure 11. (For details of the Youth Law Center conditions assessment process, see *Improving Conditions of Confinement in Secure Juvenile Detention Centers,* in this series.)

It is ill-advised to gear the conditions analysis merely to meet the lowest level of legal compliance. It should involve review of recommended standards promulgated by professional groups such as the National Commission on Correctional Health Care, the American Correctional Association, the Institute of Judicial Administration and American Bar Association, and the National Advisory Committee on Juvenile Justice and Delinquency Prevention. These professional standards in general go farther than minimum legal standards and are relevant guides to higher levels of care that should, in the best-case scenario, be available to all children in confinement.

FIGURE 11

YOUTH LAW CENTER: AREAS OR ISSUES FOR CONDITIONAL ANALYSIS "CHAPTERS"

Classification and separation issues
Health and mental health care
Access to counsel, the courts, and family
Programming, education, exercise, and recreation
Training and supervision of institutional staff
Environmental, sanitation, overcrowding, and privacy
Restraints, isolation, punishment, and due process
Safety issues for staff and confined children

All facilities, including those that are not overcrowded and are generally well-run, can benefit from a conditions analysis by an experienced consultant team. New York City began its participation in JDAI with a juvenile detention facility that was widely acknowledged to be a model for its policies and its full-service programming for youth in custody. Nevertheless, the Youth Law Center conditions analysis identified some key areas for improvement (see Figure 12).

For planning purposes, the collaborative should be prepared to conduct a conditions assessment that is inclusive enough to identify the major problems or deficiencies that affect the lives of children and staff in the detention facility. It is recommended that planners obtain the services of an outside organization or consultant with credentials in conditions analysis to perform, or at least to advise on, the assessment. Inquiries to juvenile correctional associations, to jurisdictions that have implemented detention reforms, or to state and national juvenile justice agencies should produce a list of qualified experts from which to choose. This

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assistance should be retained beyond the planning process, to help the jurisdiction implement conditions-related changes.

The Youth Law Center recommends that a local assessment team be assembled to work with outside consultants and with local juvenile justice agencies to conduct the assessment and later monitor the implementation of conditions remedies. The assessment team can facilitate its review by using forms, checklists, and procedures designed by the Youth Law Center. The Center advises that facility

FIGURE 12

NEW YORK CITY DEPARTMENT OF JUVENILE JUSTICE SPOFFORD JUVENILE CENTER, CONDITIONS ASSESSMENT FINDINGS SUMMARY (YOUTH LAW CENTER, JDAI 1993)

Population management
- Need to revise intake-screening process in regard to identification of juvenile, verification of circumstances for optimum risk assessment, and optimum use of alternatives to secure custody.
- Need to allow court liaison to petition court to place low-risk juveniles in non-secure detention.
- Need to address issue of minority over-representation in detention.

Staff acceptance of DJJ mission
- Some staff have not internalized the mission of DJJ and rely on over-authoritarian control methods.

Better case management for girls
- Due to low number confined, girls are not receiving sufficient individualized care.

Educational issues
- Need more individualized curricula.
- Juveniles detained under 10 days spend too much time in non-productive activities.
- Too many juveniles are getting educational suspension for minor misbehavior.

Suicide risk
- Juveniles classified as suicide risk are clad in paper gowns and placed in room with only a mattress. This treatment needs to be reviewed.

Discipline and due process
- Need better due process procedures for minors confined to rooms for misbehavior.

Grievance process
- Ombudsman position in Spofford has been vacated, and there is no alternative grievance process currently in place.

Safety issues
- Staff need training in use of fire extinguishers.
- Fire drills too infrequent; some staff need updating on fire exit procedures.
- Metal scissors currently in use at Spofford should be replaced.

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inspections be conducted by individuals who are not "system people" but who are experienced in juvenile facility programs and conditions; this adds assurance that the assessment will be objective and reliable.

Step 4: Cost Analysis

Another area requiring analysis is the cost of the current system. In large part, cost analysis is needed as a baseline for comparison with the costs of detention reform strategies to be selected later in the planning process. Where the question at hand is whether to commit funds for construction of new detention capacity, the cost analysis is absolutely critical.

The analysis should assign a cost to each element of the current detention system, including:

- **Detention bed cost per day.** This is derived by dividing the annual cost of operating the detention facility by the number of beds and 365 days. Overcrowding drives down unit cost, and this needs to be taken into account when comparing costs under current practice to the costs of proposed alternatives.

- **Alternative program cost per day.** The daily cost of home detention, electronic monitoring, and other detention alternatives should be calculated. If additional alternatives are already under discussion (e.g., a day treatment program proposed as an alternative to a post-disposition commitment program), the cost should be identified now for review later, when detention reform strategies are selected for inclusion in the final plan.

- **Proposed cost of new facilities.** The cost of new detention beds should, if known, be included in the cost analysis, along with projected annual operating costs.

- **Case processing costs.** Some figure should be assigned to the costs of processing detained and non-detained cases through the probation and court process; these can later be used to calculate savings derived from case processing reforms.

- **Policy-related costs.** Where particular policies are under examination, it may be useful to assign costs to the policy under review. For example, a policy of mandatory detention for probation violators will have a cost that can be

identified, and the known cost could be an important factor in subsequent re-evaluation of the policy.

In JDAI, each site worked with consultants from the Conservation Company and the Juvenile Law Center to identify present and future detention system costs and to explore new revenue sources that might support those costs. In Sacramento County, for example, consultants noted the high costs associated with using the detention facility as a place of commitment as well as the costs imposed by high levels of post-dispositional minors waiting to go to placement or returned from placements as failures. They then described reforms that could yield cost savings in relation to current detention practice. Intake screening and new alternatives like day reporting were proposed as ways to reduce average daily population and lower operating costs. Planners were also advised that by moving placement-bound youth to a non-secure shelter, the costs of 24-hour care could be supported by state and federal foster care dollars (Title IV-E), rather than by county general fund dollars.[5]

Notes

[1]At the same time, planners should be prepared to review the need to modernize or replace antiquated MIS systems, particularly for interagency applications. While potentially costly, installation of new or redesigned systems may lead to significant operating cost reductions over time, and the new analytical capabilities may help jurisdictions make more informed decisions about investing in costly new detention bed capacity.

[2]For further discussion of public safety testing of release criteria, see the JDAI ***Pathways*** guide *By the Numbers*, and see also discussion of public safety evaluations in Broward County, FL, and San Francisco, CA, in Ira Schwartz and William Barton, *Reforming Juvenile Detention: No More Hidden Closets* (Ohio State University Press), 1994, at pp. 64-66, 85-86.

[3]An excellent resource on delays in case processing, with examples of delay reduction strategies used by courts and other juvenile justice agencies, is Jeffrey A. Butts and Gregory J. Halemba, *Waiting For Justice: Moving Young Offenders Through the Juvenile Court Process* (National Center for Juvenile Justice), 1996. For additional insight into JDAI case processing reforms, see the ***Pathways*** guide, *Reducing Unnecessary Delay: Innovations in Case Processing*.

[4]Austin, James, David Steinhart, and Juanita Dimas, *The Over-Representation of Minority Youth in the California Juvenile Justice System*, National Council on Crime and Delinquency and the California Office of Criminal Justice Planning, 1992.

[5]Pearlman, Clifford and Bob Schwartz, "Fiscal Approach to JDAI Strategic Plan," memorandum to Sacramento County JDAI planners, August 1993.

Chapter 5

STAGE TWO: IDENTIFY LOCAL JUVENILE DETENTION GOALS

Before planners select specific reform strategies, an important mid-term planning need should be addressed: the identification of local juvenile detention goals.

Each local juvenile justice system is different. The values and attitudes peculiar to each are established by factors such as the personalities of key decision makers (e.g., judges, probation chiefs), prevailing public sentiment about how juvenile offenders should be treated, and the presence or absence of youth service and advocacy groups in the community. Juvenile justice attitudes can shift dramatically, due to changes in politics or publicized incidents of juvenile crime. New York is an example of a JDAI site where official support for the project faded after the election of a mayor who would not publicly embrace detention reform goals.

Planners should articulate the goals that constitute the essential framework for local detention policy. This is an important step that strengthens the reform process by giving it backbone and direction. The goal-setting process should include discussion and self-education by planners on the legal and constitutional purposes of secure juvenile detention.

In general, secure pre-trial juvenile detention is justified by state and federal law as a means to protect the public and to prevent flight and guarantee the appearance of the minor in court.[1] Many states have statutes that translate the legal purposes of detention into criteria or lists of circumstances under which children can be detained before trial. Frequently, however, these statutes authorize secure pre-trial custody so broadly that virtually any decision to detain is justifiable.

The use of secure detention for purposes beyond protection of the public or prevention of flight is highly suspicious. The Constitution bars the use of juvenile pre-trial detention for the purpose of punishment, even though detention is sometimes promoted as a way to "teach the kid a lesson."[2] Moreover, it is difficult to justify secure detention solely on the basis of protecting the child from harm, even in states that allow detention for this purpose. Detention facilities are rarely staffed

or equipped to provide for the multiple needs of such children. In addition, it is imprudent to expose younger victims of abuse to the multiple risks of being housed with older juvenile offenders. The trend in federal law has been to discourage the secure pre-adjudicatory confinement of children if the sole ground is that they are victims of abuse or neglect or have committed a non-criminal offense.[3]

Once a minor has met the basic criteria for secure detention, a number of assessments and services should be available, dictated by minimum legal standards of care related to health, educational, and other programs.

While the JDAI approach does not endorse secure detention solely on the grounds of child protection, that does not mean that detention facilities should not provide assessments and services. In fact, once a minor has met the basic criteria for secure detention (protection of the public, avoidance of flight), a number of assessments and services should be available, dictated by minimum legal standards of care related to health, educational, and other programs. One school of thought suggests that each detained minor should receive a thorough and multidisciplinary assessment of his or her personal and family circumstances and needs. This view is reflected in the description of detention promulgated by the National Juvenile Detention Association:

> *Juvenile detention is the temporary and safe custody of juveniles who are accused of conduct subject to the jurisdiction of the court and require a restricted environment for their own community's safety while pending legal action. Further, juvenile detention provides a wide range of helpful services that support the juvenile's physical, emotional, and social development.*[4]

The result of deliberations at this stage should be a written statement that articulates, within legal boundaries, the local goals of juvenile detention. The statement may be supplemented by sub-goals or objectives describing particular reforms that planners are already prepared to undertake. An example of a detention goals statement is Figure 13, from the Multnomah County detention reform plan.

FIGURE 13

STATEMENT OF DETENTION VALUES AND GOALS
MULTNOMAH COUNTY, OREGON
JUVENILE DETENTION ALTERNATIVES INITIATIVE (1993)

- ***Promote public safety by supervising juveniles*** in accordance with their objectively assessed risks of endangering the community.
- ***Ensure accountability by supervising juveniles*** awaiting court processing consistent with their objectively assessed risk of failing to appear for court hearings, and by providing court sanctions for adjudicated youths commensurate with the seriousness of their offenses and their objectively measured risk of future criminal behavior.
- ***Make fair and equitable decisions*** about police custody and the detention, supervision, and treatment of all juveniles referred.
- ***Assist youth in developing skills*** to become contributing members of the community by providing them with competency-building opportunities.
- ***Enable the appropriate use of secure detention by providing a comprehensive continuum of alternative programs*** and interventions that provide graduated levels of supervision and structure for juveniles objectively determined not to require secure detention.
- ***Provide a safe, humane, and enriching secure facility environment*** for those juveniles who must be detained.
- ***Ensure that juvenile justice resources are accessible, culturally relevant, and appropriately used for males and females from all racial and ethnic communities.***

Notes

[1] *Schall v. Martin*, 467 US 253, 104 S.Ct. 2403 (1984).

[2] Ibid. at 467 US 264-69.

[3] The secure detention of juvenile status (non-criminal) offenders is permitted under various circumstances by state and federal laws. Protective custody for juveniles who are victims of child abuse and neglect (but who have not committed any public offense) is narrowly permitted under restricted circumstances by some states. The policy of the federal government, articulated in the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA), has been to withhold financial support from states that permit or practice the secure confinement of juvenile nonoffenders; moreover, federal funding policies in the JJDPA impose limits on eligibility, length, and place of confinement for juvenile status offenders.

[4] Cited by Joseph Christy, "Toward a Model Secure Detention Program: Lessons from Shuman Center" in Ira Schwartz and William Barton, *Reforming Juvenile Detention: No More Hidden Closets* (Ohio State University Press), 1994, p. 110.

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Chapter 6

STAGE THREE: DEFINE THE REFORMED SYSTEM

Putting the Pieces Together

The next step is to select the reform strategies necessary to achieve the goals and objectives identified by the planners, based on the foundation of facts already developed. To do this, planners will need to isolate major problem areas and then educate themselves about appropriate remedies. This section offers examples of how JDAI sites went about this process. It also describes a variety of reform strategies examined and adopted by JDAI sites.

Because there will be a large body of information to digest, it may be expedient to conduct this stage of review through subcommittees that can report back to the full planning group. In fact, all JDAI planning collaboratives used workgroups or subcommittees to develop information and recommendations in specific areas. As the information is reviewed, planners should ensure that the analysis is documented in writing, as a report or set of charts and tables that can serve as a continuing resource through the planning and implementation phases.

If planners begin with good data on detention bed use, problem areas will begin to emerge and stand out in bold relief.

It should be noted that the reforms described here did not emerge suddenly from JDAI sites as neatly packaged models. In every site, planners spent more than a year digesting detention data and deliberating strategies for change. Many of their selected strategies were hatched with enthusiasm, only to be slowed or sidelined by changes in leadership or other roadblocks. Planners should allow a sufficient time frame to conduct a detailed analysis, gather support for reforms, and deal with changes or setbacks that inevitably occur. At the same time, planners must ultimately be able to translate their deliberations into action. With so much information and so many options to choose from, planners may experience some initial paralysis about where and when to start implementing reforms. For reasons described later, objective risk-screening instruments are generally recommended as a good "first step" for detention reform. Some

additional comments on implementation priorities are offered in the discussion of Stage 5, under "How Much Reform? Setting Priorities" (see page 64).

Using Data to Design Solutions

In this stage, planners should perform a thorough diagnostic review of information developed in the prior stages of analysis. The purpose is to identify major problem areas that call for remedial action. The choice of remedies will depend largely on the nature and severity of the problems identified.

A good starting point is to describe the sub-populations that place the highest bed space demand on the facility. This is particularly appropriate for jurisdictions that seek to reduce overcrowding or lower detention bed use. Some of the questions that should be asked in the effort to identify these sub-populations are:

- Which kids have the highest admission rates? For example, are lesser property and drug offenders admitted to detention at the same rate as juveniles with more serious charges?
- What does the length-of-stay analysis reveal? Do minors held on less serious offenses move out of detention more quickly than children arrested for violent crimes? Are minors with technical probation violations staying longer than minors arrested for new criminal offenses? Are girls staying longer than boys? Are black youth staying longer than white youth?
- What is the balance of pre- and post-dispositional children in the detention facility? Are there backlogs of children in the facility who are waiting for private placements? How many bed days are used by placement-bound youth, by probation violators, or by other post-disposition subgroups?
- Are detention rates and occupancy levels high for children apprehended on warrants for FTAs? If so, is bed use for warrant cases explained by high admissions, by long lengths of stay, or by both?

This is not the complete list of questions to be asked at this stage; it simply illustrates the types of inquiry planners should be prepared to undertake. If planners begin with good data on detention bed use, problem areas will begin to emerge and stand out in bold relief.

The structured planning model uses a projection method to test the effects of particular detention remedies. The effects of each prospective remedy are, to the extent feasible, quantified to produce a "bed savings" calculation. Alternate remedies or scenarios can be quantified to provide planners with a set of choices about the effects of alternate policies, programs, or procedures. An example from Cook County is described below.

Well into the implementation phase of JDAI, Cook County's detention center was plagued with high bed use for violators of probation (VOPs). Several factors were suspected of contributing to high VOP detention levels, including wide-open admissions policies and long average lengths of stay before a violation hearing in the Juvenile Court. In 1996, the county asked the NCCD to conduct a special review of juvenile probation violators in secure detention. Over 18 months, NCCD collected data on 3,000 juveniles admitted to detention for violations of probation. Analysis showed that an average of 158 beds per day were needed to detain probation violators under existing policies. Then, NCCD and Cook County tested alternate length-of-stay scenarios for VOPs. The results are summarized in Figure 14. As shown, by cutting its average detention time for all VOPs from 28 to 14 days, Cook County could reduce detention bed use for VOPs by 79 beds (more than 50 percent). Encouraged by this analysis, Cook County proceeded to implement several reforms to reduce average length of stay for VOP.

FIGURE 14

ESTIMATED IMPACT OF DECREASING PROBATION VIOLATOR LENGTH OF STAY IN DETENTION, COOK COUNTY JUVENILE DETENTION ALTERNATIVES PROJECT, 1996-97

	VOP admissions per month	Average length of stay (days)	Average daily beds used	Average daily beds saved
Current practice	171	28	158	0
Decrease 7 days	171	21	118	40
Decrease 14 days	171	14	79	79

Source: National Council on Crime and Delinquency, report to the Cook County Temporary Juvenile Detention Center, JDAI (1997).

This analytical approach—using alternate scenarios to estimate the impact of particular reform strategies and to identify bed savings—is a method that can be applied to a wide variety of detention sub-groups to help detention planners prioritize reforms in any jurisdiction. For example, using this approach, one can identify bed savings achieved by increasing the number of home detention or

day-reporting slots, by reducing case processing times, or by accelerating the movement of post-disposition youth to placement. This "alternate scenario" analysis is also the approach used to project construction needs, discussed below.

Using Systems, Conditions, and Cost Analysis to Design Solutions

Population reduction is not always the top local priority. In some instances, the choice of reform priorities will be driven by findings from outside the quantitative analysis—in the systems, conditions, or cost analysis. For example, if a detention structure is deteriorating and dangerous, with a record of injuries to children and staff or threatened litigation, the prudent course may be to give renovation the highest priority. The conditions analysis may also disclose deficiencies in programs or services (e.g., inadequate health or mental health care) that need immediate attention. The systems analysis may point to significant delays in court processing for particular types of cases or to dysfunctional relationships between defense lawyers and prosecutors that could, if addressed, significantly reduce length of stay in detention and bed utilization for some youth. Detention planners should commit themselves to a comprehensive and detailed review of all the information they have developed.

Juvenile Detention Remedies Selected by JDAI Sites: a Menu for Reform

Collectively the JDAI sites were a proving ground for a wide range of detention reform strategies. Some the approaches they selected were refinements of policies and programs already working in other jurisdictions. Others were innovative developments within JDAI. Some of the key reform strategies applied at JDAI sites are described below, with examples of how and why they were selected to meet local needs.

1. Controlling the Front Door: Objective Screening Criteria and Risk Assessment Instruments

Objective admissions practices are an essential and powerful detention reform tool. Objective criteria that define which youth are eligible for secure detention supplant loose and subjective statutory guidelines with more precise and equitable intake rules that limit secure detention to higher risk cases. Risk assessment

instruments (RAIs) distinguish which of these detention-eligible youth actually require secure custody (as opposed to placement in a detention alternative). It is fair to say that in the absence of objective screening criteria, the ability of any jurisdiction to achieve meaningful detention reform will be severely handicapped. All JDAI sites developed objective screening instruments for application at detention intake. Their experiences designing and implementing objective criteria and risk-screening instruments are described in detail in the ***Pathways*** guide *Controlling the Front Gates: Effective Admissions Policies and Practices.*

The need to adopt objective screening criteria and to use RAIs, can be confirmed by a review of local detention admission data. A simplified example, showing 1992 admissions to detention reported in Sacramento County, is presented as Figure 15 and shows high admission rates across all offense categories, including a 78 percent detention rate for children arrested for misdemeanors. This admissions profile helps make the case for more selective admission criteria. Later, Sacramento County designed and implemented objective admissions policies and practices that lowered admission rates for lower risk delinquents.

FIGURE 15

ADMISSIONS TO SECURE DETENTION BY OFFENSE CHARGED (NUMBER AND PERCENT OF EACH CATEGORY ADMITTED) SACRAMENTO COUNTY, 1992

	Number	Percent
Felony person	712	81
Felony property	410	63
Auto theft	639	67
Burglary	367	51
Drugs	289	73
Misdemeanor	27	78

Source: Sacramento County JDAI Implementation Plan, 1994.

The development of effective risk-screening instruments often requires outside help.[1] The process, when done correctly, includes local "validation" of the RAI, which means that it is tested to determine its effects on detention populations and on public safety. Based on validation tests, the RAI can be modified so that it produces population and public safety effects that meet local targets established by the planners.

2. Attacking Unnecessary Delays: Case Processing Reforms

Case processing reform is challenging because it entails scrutiny of each stakeholder in the juvenile justice process—police, probation officers, attorneys, judges, and other public agencies. In a detention context, the primary goals of case processing

reform are to accelerate the movement of cases through the juvenile justice process and to reduce delays that keep children in secure detention unnecessarily.

Delay and inefficiency can affect the juvenile justice process at any point, from arrest to post-dispositional placement. To design remedies, planners will need to review the data previously collected. Figure 10 from the previous discussion is a breakout of case processing times for detained and non-detained minors in Sacramento County. For 1994, there were particularly long case processing times for all non-detained minors (103 days on average) and for detained misdemeanants (80 days). Sacramento used multiple strategies, including a detention expediter and a "detention early resolution" program, to achieve significant reductions in case processing times by 1996, as indicated in the last column of Figure 10.

Some points of critical delay, with examples of case processing reforms from JDAI, are described below.

- **Police referral and citation.** Police make an important judgment call in the field when they decide whether to cite the minor for a later appearance or transport the minor to the detention center. To avoid an uncontrolled flow into detention of children with mild behaviors, police, probation, and courts must work together to identify optimum referral procedures. The planning collaborative is a good place to initiate discussion of these procedures. JDAI sites adopted a number of changes in police and referral procedures. For example, in Cook County, the Juvenile Court established a new procedure allowing police in certain cases to call the detention center and have the minor risk screened over the telephone, thus minimizing transports to the facility.

- **Intake procedures.** Intake officers at the detention center are often responsible for completing RAIs and for making an initial decision to detain or release. The proper exercise of this responsibility is critical to the success of detention reform efforts. Some intake policies applied by JDAI sites to optimize effectiveness were:

  A. **24-hour intake.** Risk-screening personnel are on duty 24 hours a day to ensure swift detain/release decision making.

B. **Risk assessment without exception.** Risk screening is applied at intake to all minors presented for detention.

C. **Override controls.** Specific reasons for RAI overrides are formulated, and individual decisions are subject to supervisory review.

D. **Alternatives to secure detention.** Intake officers have a continuum of interim (pre-trial) status options, in addition to secure detention, for minors assessed at marginal levels of risk and for children with specialized needs (e.g., children 12 and under).

E. **Parental notification.** Special efforts are made to locate parents of low-risk minors to inform them of their responsibility to retrieve children scheduled for release.

Detention intake officers must have closely regulated authority to triage low-risk cases out of detention. Where release discretion is restricted by mandatory detention statutes, it may be advisable to pursue legislative changes that will allow the jurisdiction to use risk screening as the litmus test for secure detention.

- **Court procedures and timeliness.** Unnecessary delays in court processing translate into wasted bed days at the detention facility. Planners will need to spend some time reviewing the data on processing times. Often, the diagnosis of court-related delays involves a qualitative assessment of the roles of courtroom stakeholders, including attorneys, probation personnel, and judges. The planning collaborative is a good place to discuss stakeholder practices that may contribute to processing delays. Some examples of court-related problems and solutions devised by JDAI participants are:

  A. **Attorney continuances.** Where continuances are granted routinely by the court as a courtesy to attorneys, the result can be that a young person remains for long periods in detention while lawyers catch up with their own caseloads or jockey for adversarial advantage. Where continuances are disallowed, attorneys come under great pressure to provide adequate representation to their clients. The resolution of attorney-driven delays requires a full discussion among prosecutors, defense counsel, and the court.

B. **Fast-tracking of court hearings for detained minors.** JDAI participants made substantial efforts to accelerate hearing dates and court processing times for detained juveniles. In Sacramento, Portland, and Chicago, for example, initial hearing dates for detained youth were scheduled earlier to speed their movement through the courts.

C. **Early resolution.** For many arrested children, court outcomes are predictable. In Sacramento, JDAI collaborators decided to put these predictable outcomes on a shorter track and to focus the attention of the parties much earlier on finding a disposition. The procedure was initially developed for non-detained youth. Based on its success, it was applied to the detained population and called "Detention Early Resolution (DER)." Within five days, detained minors get an early resolution hearing at which parties, with the consent of the minor and the family, meet to discuss plea and disposition. Now, nearly 80 percent of all petitioned cases in Sacramento (detained and non-detained) get DER processing, and 60 percent of these cases are resolved at first hearing.

D. **Case expediters.** A case or detention expediter is an individual whose job it is to help detained children move more quickly and efficiently out of detention. In Sacramento, the expediter is a detention time-buster who intervenes aggressively to help move children to the next point in the process. At the initial detention hearing, the expediter serves as an advocate to help the judge select non-secure options that may be appropriate. A serious detention problem in Sacramento is a chronic backlog of post-disposition minors who are waiting for placement or returned as placement failures, and the expediter works at this end to reduce time to placement.

E. **Reducing delays for non-detained minors.** Although detained youth are usually the primary target for reforms, planners should also consider the needs of non-detained youth. Where there are long delays between citation and a first court hearing, children experience high rates of FTA. When the FTA occurs, the judge will issue a bench warrant for apprehension and secure detention of the minor. In Cook County, court officials attacked long delays for non-detained youth by shortening time between arrest and first appearance through a new "arraignment" court.

F. **Automation to reduce delay.** In some jurisdictions, juvenile court processing is slowed by a lack of automation. A model of automated processing is the Maricopa County, Arizona Juvenile On-Line Tracking System, which uses task-specific software to schedule probation interviews, assign cases to probation officers, and calendar court hearings. For a more detailed discussion of automation and case processing delays, see the ***Pathways*** guide *By the Numbers: The Role of Data and Information in Detention Reform.*

The diagnosis and reduction of case processing delays may be a particularly challenging area of detention reform. It may require stakeholders to modify long-standing and comfortable procedures, and it may necessitate concessions that particular stakeholders are not thrilled about making. For a more detailed discussion of case processing innovations and related issues, see the ***Pathways*** guide *Reducing Unnecessary Delay: Innovations in Case Processing.*

3. Alternatives to Secure Detention

In many jurisdictions, alternatives to detention are sadly underdeveloped, leaving court and probation personnel with only two choices: release to parents or detention until trial. By establishing new alternatives, planners can serve several important juvenile justice goals including reduction of overcrowding, enhanced public safety (through higher levels of supervision for released youth), and lower system operating costs.

The selection of alternatives to detention should be driven by a review of the characteristics of the detained caseload and by data-driven analysis of the bed savings and other benefits that can be achieved by adding particular programs. Risk assessment technology is linked to alternative program development, because the RAIs can be designed to identify children at moderate risk levels who can safely be moved to non-secure, pre-trial alternatives like home detention. The review of the detained population may reveal a number of children who qualify for release but who need additional structure and supervision while on release status; for these juveniles, day- or evening-reporting centers may be a viable and cost-effective option to secure detention. If a detention center has high caseloads of children with

special problems (e.g., minors with mental disturbance), planners may wish to examine the benefits of opening a non-secure shelter that can address these needs.

The bed reduction value of each proposed alternative can be calculated by determining how many children would be displaced from secure detention to the alternative and how many detention bed days would be saved by this population shift. A cost value can be assigned to each scenario (continue the present policy or refer to the proposed alternative), and this can help planners decide which approach will be most cost-effective in the long run.

Planners will need to peruse a full menu of programmatic options to decide which ones, or which combinations, are best suited to local needs. Ultimately, the goal should be to implement a comprehensive alternative-to-detention continuum. Among JDAI sites, Multnomah County can assign a youth to any of five levels of "community detention" based on his or her risk score at intake. The Cook County continuum of alternatives to detention is shown as Figure 16.

Some examples of the alternative-to-detention programs implemented in JDAI are described below.

- **Home detention.** Home detention is a well-established alternative to secure detention. Sometimes labeled "house arrest," it allows children to go home pending trial under a set of conditions, such as "must observe curfew hours." Usually home detention also involves daily or bi-weekly contacts with probation officers who have limited caseloads.[2] Home detention is an extremely cost-effective option to secure detention if it is used properly, which means it is reserved for minors who would otherwise be detained in the secure facility. Home detention has consistently produced high marks for the performance of youth assigned to it.

- **Electronic monitoring.** Electronic monitoring is widely used in juvenile justice jurisdictions throughout the United States. In JDAI sites, it is most frequently used in conjunction with home detention, especially for youth who pose higher risks or who have violated conditions of their release.

FIGURE 16

COOK COUNTY JUVENILE DETENTION ALTERNATIVES CONTINUUM

MONTHLY REPORT—August 1999

Court Notification

March 1995

Written notice and telephone reminders to all minor respondent households in advance of every court hearing during the pre-adjudication stage of proceedings.

Avg. Daily Notices: 97

Community Outreach Supervision

October 1994

Court-ordered community-based supervision of pre-adjudicated minors in detention jeopardy for up to 45 days.

Capacity:	34
Present Enrollment:	21
Serviced to Date:	1,743
Average Daily Population:	19.8

Successful Completion Rate: * 94%

Home Confinement

October 1994

Court-ordered conditional release from secure detention. Evening and weekend supervision by probation officers for up to 45 days.

Capacity:	225
Present Enrollment:	
Pre-adjudication	205
Post-adjudication	39
Total	244
Serviced to Date:	
Pre-adjudication	8,292
Post-adjudication	5,607
Total	13,899
Average Daily Population:	239

Successful Completion Rate: 91.6%

Evening Reporting Center

December 1995

Court-ordered community-based program combined with Home Confinement for pre- or post-adjudicated wards facing consequences for VOP or JAWs for up to 21 days.

Capacity:	125
Present Enrollment:	90
Serviced to Date:	3,758
Average Daily Population:	87

Successful Completion Rate: 91.8%

S.W.A.P.

August 1995

Court-ordered Sheriff-supervised work program in lieu of comparable dispositional term in the JTDC for up to 30 days.

Daily Site Capacity:	50
Program Enrollment:	175
Serviced to Date:	3,743
Average Daily Population:	
Weekdays	14.7
Weekends	19.3

Successful Completions: 2,166

A new site opened for the Sixth Municipal District 3/1/98

Electronic Monitoring

June 1996

Court-identified minors released from secure detention under special order of electronic monitoring. Engaged and supervised by Home Confinement Officers; monitored and enforced by Sheriff/Law Enforcement; immediate re-incarceration provision. 5-21 days.

Capacity:	100
Present Enrollment:	70
Serviced to Date:	1,121
Average Daily Population:	73

Successful Completion Rate: 94.4%

Staff Secure Shelter

October 1995

Non-secure-detention alternative for minors who are (1) diverted from Police or JTDC custody by detention Screening Officers because of parent/guardian unavailability or (2) "qualified" JTDC minors within 30 days of being placed in a long-term non-secure setting as directed by the court.

Capacity:	20-25
Present Enrollment:	19
Serviced to Date:	3,882
Average Daily Population:	19
Youths AWOL:	144
Violations:	46

Successful Completion Rate: 96.3%

*Successful completion indicates that the minor remained arrest-free during the time of the program. Figures are calculated from January 1997 for Home Confinement Evening Reporting, and Electronic Monitoring, from January 1996 for Community Outreach, and from October 1995 for Staff Secure Shelter.

- **Day- and evening-reporting centers.** All JDAI sites opened day- or evening-reporting centers, although for various detention sub-populations. New York City's day program, for example, runs from 8 a.m. to 8 p.m. for pre-adjudicatory cases. Cook County's evening centers operate from 3 to 9 p.m. and provide meals, academic help, and recreation in a structured setting as an alternative for probation violators.

- **Shelter care.** Many youth are detained simply because the system cannot identify a responsible adult to whom the child can be released. Other children are inappropriate for secure detention because their age, physical immaturity, or emotional status makes them unsafe to mix with older and more sophisticated youth. Planners should evaluate the need for non-secure residential facilities that can address these cases.

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For more information about alternative-to-detention programs in JDAI sites, see *Consider the Alternatives: Planning and Implementing Detention Alternatives* in this series.

Dealing with Minors in Post-Disposition Detention

Even if objective screening criteria and an array of alternatives are perfectly applied at intake, overcrowding may persist because of chronic logjams of post-disposition juveniles in the detention center. Planners need to be aware at the start that their best efforts to control the flow of arrested youth through the front door of detention will not suffice if the main problem is post-disposition cases. Among JDAI sites, Cook, Multnomah, and Sacramento Counties were eventually compelled to deal with post-disposition problems that were not fully appreciated at the outset.

In some venues, minors are sentenced at disposition to "do time" in the detention center. The use of a juvenile detention facility as a place of commitment has been widely criticized by juvenile justice experts, on the basis that a pre-trial, short-term holding facility cannot offer the level or quality of staffing, programming, and treatment that minors in longer term care deserve. The use of detention facilities for commitment is not a recommended reform strategy.

A common post-disposition problem is the detention of minors for technical violations of probation ("TVOPs"), such as failing to attend school or to observe curfew hours. In some systems, these cases are not risk screened or are routinely admitted to detention for stays of several weeks until a violation hearing is held. In Multnomah County in 1996, well into JDAI implementation phase, 28 percent of admissions to detention were for technical probation violations.

A review of the data on bed use may reveal suspicious custody patterns related to TVOPs. Accelerated case processing and shorter lengths of stay in detention are scenarios that can be tested to demonstrate bed savings related to TVOPs. (The Cook County example has already been described in the text above and at Figure 14.) Sometimes, the problem is unchecked discretion of the probation officer to revoke probation and book the minor back into detention, even for relatively trivial misconduct. The remedy is to limit officer discretion in these cases. Graduated sanctions aside from secure detention should be available for TVOPs.

A third and more difficult problem is the accumulation of placement-bound minors in detention. Among JDAI sites, Sacramento County had the highest share of placement cases in detention, dedicating 15 percent of its detention capacity to these cases between 1994 and 1997. Many of these were children recycled into the Sacramento County detention center as placement failures. The causes of this sort of backup can be complex, including a shortage of available placements, poor pre-placement assessment, and insufficient control over providers who send difficult-to-manage children back to detention. Planners may need to undertake special analyses to diagnose the reasons for high placement caseloads in detention and to tailor local solutions. For further detail and discussion on remedies, planners should consider for post-disposition cases, see the ***Pathways*** guide *Special Detention Cases: Strategies for Handling Difficult Populations.*

Addressing Conditions of Confinement

The reform plan should include remedies for deficiencies identified in the conditions assessment. The reader will recall that the conditions assessment involves not only a review of the detention structure itself, but also program availability, classification procedures, staffing patterns, and other quality-of-care issues.

Juvenile justice planners may be reluctant to invest in a review that exposes flaws or substandard conditions in their own facilities. The alternative, however, is to wait until the conditions lead to injury and litigation. The incorporation of conditions remedies in the detention reform plan is prudent, both as a means of protecting children from harm and as a way to insulate the jurisdiction from legal challenge.

Planners should also consider ways to monitor future compliance with legal standards on facility conditions. If a Conditions Assessment Team has been convened for planning purposes (as advised by the Youth Law Center), it makes sense to continue the life of the team beyond the planning stage and to assign to it responsibility for continued monitoring of facility conditions and legal compliance. An innovative monitoring mechanism planners may wish to consider is the one used in Montgomery County, Pennsylvania. There, Director Don DeVore has created a detention center advisory board of stakeholders and private citizens.

These individuals have carte blanche to visit the facility unannounced anytime, day or night—a privilege that has been used with success to maintain vigilance over the quality of staffing, programs, and conditions.

In JDAI sites, the planning process led to dramatic improvements in detention facility procedures and programs and in selective upgrades of the physical plants. For example, Sacramento County abandoned the use of pepper spray, reduced its use of physical restraints, and trained its staff in verbal de-escalation techniques to control aggressive behavior by detained youth. In New York, opportunities for family visits and activities at the detention facility were increased, and significant improvements were made in the in-custody education program. In Multnomah County, lock-down time was reduced, and a new education curriculum with special education staff was added. And in Cook County, children gained greater access to recreation and staff received new training on mental health issues and suicide risk. For a thorough discussion of conditions of confinement and of the improvements in conditions achieved at JDAI sites, see the ***Pathways*** guide *Improving Conditions of Confinement in Secure Juvenile Detention Centers.*

In JDAI sites, the planning process led to dramatic improvements in detention facility procedures and programs.

Dealing with Disproportionate Minority Confinement

The reform plan should include specific steps to deal with issues of disproportionate minority confinement (DMC). Data gathered in stage one should reveal points and patterns of DMC in the local juvenile justice system. Where minority individuals with low-risk profiles are inappropriately detained, objective risk screening can have the supplemental effect of controlling disproportionately high detention rates. Where minority arrests for serious and violent crimes are high, community-wide factors that contribute to this pattern may need to be explored. As mentioned previously, focus groups broadly representative of local interests can be helpful in identifying the underlying causes of DMC and proposed solutions. Some of the strategies used by JDAI sites to address DMC included cultural awareness training for juvenile justice agencies review of hiring policies that may lead to under-representation of minorities among justice system decision makers,

establishment of a local task force or community group to monitor DMC, and enrichment of minority neighborhoods with community-based service programs.

To Build or Not to Build Additional Detention Capacity?

Detention planners in some jurisdictions may already be faced with critical decisions about adding new capacity. Their recommendation on new construction may be the most publicized and controversial part of the detention reform plan.

Construction of new detention beds is normally the most expensive approach to overcrowding and related detention problems. Detention construction costs vary according to geography, size of the facility, and other factors, but $100,000 per bed is a mid-range cost. Operating costs hover around $100 per bed per day. Over a 10-year period, the cost to build and operate a single detention bed can approach a half-million dollars.

Adding new bed space should be the option of last resort for juvenile justice planners—not only because of the cost, but also because additional capacity may draw children into secure detention who could more appropriately be directed to non-secure alternatives.

The NCCD has developed a projection technology that can help jurisdictions identify their juvenile detention bed space requirements well into the future. Each JDAI site cooperated with NCCD in producing a projection of its own future capacity needs. The NCCD method predicts future detention beds that are needed under one or more reform scenarios. These scenarios presume that the jurisdiction will adopt changes in detention policy, procedure, and programs that can reduce demand for future detention space. In its most basic form, the projection approach involves the following major steps:

- Identify detention issues, problems, and goals.
- Analyze the juvenile detention referral population and key data (using specialized software) to produce forecast of detention needs, based on the assumption that current programs, policies, and procedures will not be changed.
- Identify program and policy options, and assign quantitative values to them to produce one or more "bed savings plans."

- Produce alternate projections based on bed savings plans.
- Adopt a comprehensive detention plan that accurately gauges future capacity needs based upon the adoption of specific detention reforms.

An example of applying the projection technology can be seen in Sacramento County, which has a relatively large juvenile detention center. In 1992, the facility had a rated capacity of 254 beds and an average daily population of 327 juveniles (130 percent overcrowding). When Sacramento joined JDAI, NCCD analyzed population growth, arrest and referral trends, and detention rates to produce a "baseline projection" of detention beds needed over the next 10 years, based on then existing practices. The news for Sacramento was not good. The baseline projection informed Sacramento planners that unless they reformed detention polices and programs, they would need another 186 detention beds (total 440) by the year 2002. The "baseline projection" appears in Figure 17 as the left column and in Figure 18 as the top line of the area graph.

Armed with this information, JDAI planners in Sacramento began working to identify alternative detention policies and programs and to quantify their effects. The county elected to test: new admission criteria; an RAI that would triage

FIGURE 17

PROJECTION OF JUVENILE DETENTION BEDS UNDER BASELINE (CURRENT) AND THREE ALTERNATIVE POLICY SCENARIOS SACRAMENTO COUNTY (JDAI), 1993

	Baseline Current Policy	Scenario 1 New Admit Criteria	Scenario 2 Risk Screening	Scenarios 1 and 2 Combined	Bed Space Savings/ Reduction
1993	335	335	335	335	—
1994	361	243	271	197	-164
1995	374	251	281	204	-170
1996	387	260	290	211	-176
1997	397	267	298	217	-180
1998	404	271	303	221	-183
1999	410	275	308	224	-186
2000	420	282	315	229	-191
2001	430	289	322	235	-195
2002	440	296	330	240	-200

Source: Sacramento County Juvenile Detention Alternative Initiative Plan and the National Council on Crime and Delinquency

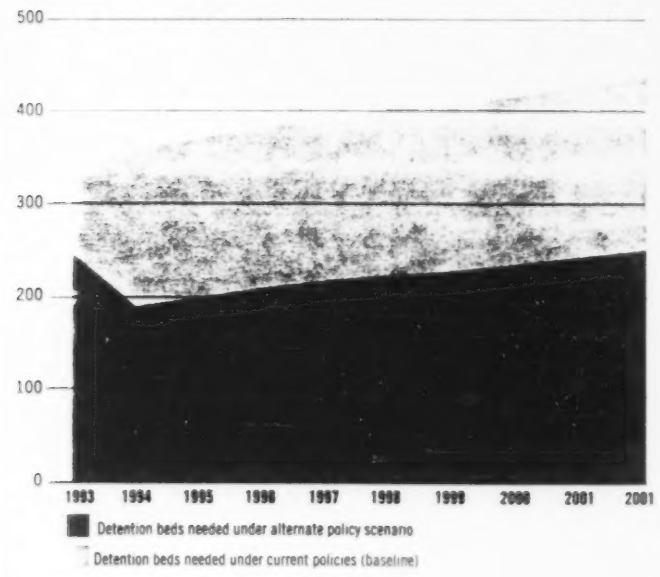
minors into release, non-secure detention, and secure detention; and a combination of both. These alternative scenarios presupposed that the county would establish non-secure alternative programs to absorb the caseload flagged as suitable for diversion to non-secure custody.

The results of the analysis appear in the last four columns of Figure 17. The analysis shows that by using a combination of intake criteria and risk-screening instruments (supplemented by alternative-to-detention programs) the county could avoid building 200 additional detention beds over the next 10 years. Figure 18 displays the bed savings as the difference between the two areas highlighted in the chart.[3]

Planners responding to questions about the cost and size of a new detention facility should make a commitment to use this kind of projection technology. They will be rewarded with a rational and objective analysis of future detention capacity needs—an analysis that includes a reasonable emphasis on the use of lower cost alternatives to secure detention.

FIGURE 18

PROJECTION OF DETENTION BEDS NEEDED: BASELINE AND ALTERNATIVE POLICY SCENARIOS SACRAMENTO COUNTY, 1993-2002



Source: National Council on Crime and Delinquency.

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Notes

[1]One resource for technical assistance in the development of objective risk-screening instruments is the NCCD. In the mid-1980s, NCCD pioneered detention risk screening in large California jurisdictions like Los Angeles and Santa Clara Counties. NCCD assisted JDAI sites in data collection, RAI design, and RAI validation and monitoring.

[2]For example, under California law, probation officers assigned to "home supervision" may not have a caseload exceeding 10 youth. Welfare and Institutions Code Sec. 841.

[3]The methodology of forecasting future detention capacity is described in further detail in Michael A. Jones and David Steinhart, *Assessing the Need for Secure Detention: A Planning Approach*, National Council on Crime and Delinquency FOCUS publication, August 1994.

Chapter 7

STAGE FOUR: IDENTIFY COST OF REFORMS, RESOURCES NEEDED, AND BARRIERS TO REFORM

The detention reform plan should be realistic. It should identify costs and funding sources for reforms. It should also, to the extent possible, anticipate obstacles to reform that may need to be addressed in the planning stage.

Costs and Resources

If followed, the planning approach described here is likely to produce cost savings. These savings will result from avoidance of construction, where policy changes and non-secure alternatives can eliminate the need for some or all proposed new detention beds. Savings in operating expenses will accrue through lower occupancy levels in existing facilities and from greater efficiency in the movement of cases through the juvenile justice system.

These savings should be quantified and displayed to the extent possible. A total cost can be assigned to the current detention system, projected out over several years ahead. Likewise, a cost can be calculated for the reformed system. Using this approach, Figure 19 shows the total cost impact statement included in the Juvenile Detention Reform Plan developed by Sacramento County. This cost-savings analysis can be extended to specific programs and sub-populations, comparing cost under the current system and under the reformed system for each such program and population. In this way, the cost advantages of specific alternatives can be documented.

When projecting future system cost, adequate allowance must be made for the transition costs of reform. Some reform components will require start-up or one-time investments. Among JDAI sites, the cost of improving MIS systems proved to be one of the more challenging cost issues associated with detention reform.[1] Other startup costs may relate to implementation of alternatives to detention (e.g., acquisition of electronic monitoring equipment or outfitting a site as an evening

reporting center). One-time costs to remedy inadequate facility conditions should also be identified in the plan.

After documenting transition and future operating costs, planners should identify the revenue sources that can support these costs. New facility construction may well require a local bond or tax measure, approved by the voters, but planners should not overlook federal and state grant programs that can support projects for construction or renovation of juvenile justice facilities. Federal and state grant programs may also pay for alternative programs for juvenile delinquents; planners should thoroughly explore these external funding sources and should be prepared to identify the matching funds (hard money or in-kind) that are generally required as a grant condition. Where planners must tap local or county general funds, they will want to make the best possible presentation of their request. This means planners should be prepared to demonstrate in convincing and graphic manner the savings that will accrue to the local government under a reformed detention system. Requests to fund alternatives to confinement are often controversial at the local government level, and planners should be prepared to address questions about the public safety of alternatives proposed in lieu of additional secure capacity.[2]

FIGURE 19

SACRAMENTO COUNTY
PROJECTED FISCAL IMPACT OF DETENTION REFORMS

Projected ADP based on status quo	387
Projected 1996 Juvenile Hall operating cost without reforms	$23,024,565
Projected ADP reduction based on system reforms	160
Projected Juvenile Hall operating cost including reforms	$12,519,200
PROJECTED COST SAVINGS UNDER REFORMED SYSTEM	$9,505,365

Source: Sacramento County JDAI Implementation Plan, 1994.

Barriers to Reform

Barriers to reform should also be a subject for discussion within the planning collaborative. The assignment here is to identify roadblocks to implementation and whether they are insurmountable or can be overcome. JDAI participants hit many bumps on the road to reforms in their respective jurisdictions, and their experience offers some valuable insights into this planning task. Below are some of the more common barriers addressed by JDAI participants.

- **Loss of political or agency support for reforms.** As personnel turned over during the implementation phase, new politicians and leaders entered the picture, and

not all were instantly supportive of JDAI goals. The changeover in the mayor's office in New York City has already been cited as an example where political change had a negative effect on JDAI reforms. Planners should discuss continuity of leadership and ways to sustain reform efforts once they are underway. Judge William Hibbler, a key leader in the Chicago JDAI project, advises planners to "make the reforms part of the fabric of local government" so that they are less vulnerable to individual changes in leadership.[3]

- **Loss of community or citizen support for reforms.** Planners should anticipate some questions and perhaps fears from citizens who do not immediately understand the benefits of releasing more children from secure detention or referring these children to community-based alternatives. Planners may wish to adopt a communications strategy to defend reforms against citizen anger and frustration that follow publicized incidents of juvenile crime.

- **Employee or union resistance.** Public employees and their unions can feel threatened by particular reforms. For example, detention staff may fear loss of jobs if the goal of reform is to reduce occupancy in the detention facility. Intake officers may feel challenged by objective screening criteria that appear to reduce their discretion. The experience of JDAI and other detention reform sites is that these fears normally diminish as the integrity of reforms is demonstrated and as line staff begin to perceive their benefits.

- **Interagency issues.** Some venues come equipped with rivalries or a history of mistrust between particular agencies. Collaboration is the key to resolving these differences. In some situations, interagency communication may be blocked by legal issues. For example, confidentiality laws may be a barrier to sharing information between mental health and probation staff within a detention facility. Negotiation may be needed to devise new information-sharing protocols consistent with prevailing confidentiality laws.

- **Inadequate data.** Some jurisdictions will have trouble collecting the basic data needed for adequate analysis of current detention practices. Others will be unable to track the impact of reform strategies in a timely manner. Planners must

give careful attention to data collection, using outside consultants to help as needed. The ***Pathways*** publication on data collection suggests ways to minimize and overcome impediments.

- **Intrinsic difficulty of reform in some areas.** Case processing reforms in particular proved, among JDAI sites, to be difficult to achieve for many reasons. Speeding processing requires the cooperation of multiple agencies and forces some of the players to unlearn old habits. For example, detention early resolution reforms drew some resistance from defense attorneys (too much pressure to plead the case out early) and from probation officers (too little time to prepare disposition reports). Planners should be prepared to deal with these points of resistance when they recommend case processing reforms.

- **Net widening.** Net widening is the use of a new program or alternative to control new populations of youth that were not previously under control. It is an axiom of detention reform that alternatives to secure confinement will not work to reduce facility populations if they are used for children who never would have been detained in the first place. Data gathered early in the analysis will help planners identify with precision the characteristics and risk profiles of children who are proper candidates for displacement from detention to non-secure alternatives.

- **Special detention cases.** Among JDAI sites, special detention cases that proved difficult to handle included children arrested on warrants, technical probation violators, and children in post-disposition confinement waiting for private placements. Addressing these cases often requires planners to expand the scope of their inquiries to other components of their juvenile justice system. For example, Sacramento County, as noted previously, experienced chronically high post-disposition detention levels. Despite its many notable reform endeavors, it still needs to fashion remedies for this chronic backlog.

- **Mandatory detention statutes.** In some cases, flexibility to control detained populations is lost because state laws leave local officials no choice. In Oregon, for example, recent ballot measures imposed mandatory detention policies for juveniles tried as adults. Planners need to be aware of these restrictions and

determine whether it is feasible to promote statutory change to increase flexibility in the application of these laws.

It is, of course, impossible for planners at the outset to predict every obstacle and setback that may occur as implementation proceeds. Nevertheless, potential barriers should be discussed, and the discussion may well lead to adjustments of the plan before it is implemented.

Notes

[1]The ***Pathways*** guide on data, *By the Numbers*, describes the MIS improvements implemented at JDAI sites; this tool also describes specific software and hardware development costs associated with detention reform.

[2]In 1990, for example, San Francisco's Proposition B was a local bond measure to raise $90 million for a proposed 72-bed juvenile detention and probation center with a smaller detention capacity than the existing 138-bed structure. The size reduction was based on an NCCD projection that relied significantly on youth population declines and alternative-to-custody use in future years. The bond measure was opposed by probation employees and politicians who challenged it on public safety grounds, and although it drew 59 percent of the vote, it failed to draw the two-thirds majority needed to pass.

[3]From an interview with the Hon. William Hibbler, Presiding Judge, Cook County Juvenile Court, by the author on 10/19/98.

Chapter 8

STAGE FIVE: FINALIZE AND DRAFT THE ACTION PLAN

At this point, planners are ready to make final decisions about the components to be included in the reform plan, prior to drafting the plan itself.

How Much Reform? Setting Priorities

The challenge is to prioritize reforms in relation to the costs and barriers identified in the preceding stage. For jurisdictions new to the challenge of detention reform, there may be confusion about where to begin and doubts about financing the effort. The following comments are offered to help planners in these jurisdictions select priorities for reform.

- **Comprehensive reform is best.** In the best-case scenario, planners will feel comfortable with a comprehensive set of proposed reforms. As stated earlier, detention is a complex process affecting youth with different needs and stakeholders from many different agencies. Collectively, JDAI sites demonstrate the value of attacking detention problems at their multiple points of origin. Where reform efforts fail to address key areas (e.g., special detention cases), overall reform goals may not be met.

- **Front-gate controls (objective risk screens) are a vital first step.** Objective admissions criteria and risk-based screening are powerful population management tools. Benefits include targeting detention practices to public safety goals and making detention decisions more fair and equitable. According to John Rhoads, Chief Probation Officer in Santa Cruz County, California, intake screening is the best place to start reforms because "it gets people to think objectively about detention practice and gets them on track to do the other things that are needed, like intermediate services and sanctions."

- **Reduction of overcrowding must be a priority.** Overcrowding is pernicious, both for confined children and for their adult custodians. Where it is present, planners should set a priority for reforms that will bring the detained population under control. Objective risk screening is a good first step. Other remedies will depend on the causes of overcrowding as diagnosed from a review of detention data. A menu of potential solutions has been described in the preceding text.

- **Facility or program defects affecting the health and safety of children must be addressed.** Another priority is to address facility and program deficiencies that pose health and safety hazards. It may be possible to address some of these concerns by reducing detention center populations. Other conditions—e.g., physical plant problems—require planners to acknowledge the severity of the situation and to schedule resources and timely repairs.

- **A continuum of alternatives to secure custody should be established.** Few jurisdictions can boast that their current system has a diverse array of effective alternatives to secure detention. Planners should adopt specific proposals to divert children from secure detention with new or expanded programmatic options, including home detention, day- or evening-reporting centers, and non-secure residential care.

- **Priority should be assigned to reforms likely to address the problems causing the highest detention loads.** This sounds obvious, but the JDAI experience suggests that key problem areas can be under-appreciated in the planning process. Post-disposition minors (technical violators, placement cases) are an example of a detention sub-population that creates high detention loads but is often overlooked in the early stages of reform.

- **Projections of future detention populations.** The projection technology described in this guide is appropriate for jurisdictions where detention facilities are overcrowded or where proposed new construction is likely to impose heavy future costs on local government. In these instances, planners should hire a qualified consultant to produce the population forecasts needed to determine future bed space needs. This will involve a special cost, but in most cases the cost will

be more than offset by bed savings identified in the forecast. Where overcrowding and new facility construction are not pressing issues, the projection technology can probably be assigned second-tier priority.

- **MIS improvements are important, especially to increase accountability and improve operations.** Every collaborative that undertakes detention reform is likely to face data collection problems and MIS shortcomings. There may be a temptation to defer reforms until MIS systems can be upgraded or perfected, but this may never come about to the satisfaction of all agencies and planners. It is advisable, where problems with automation arise, to identify alternative means of collecting the necessary information so that practical solutions to detention problems can be implemented as soon as reasonably possible. Design and implementation of complicated interagency information systems are a long-term goal. These MIS needs should not delay the implementation of other detention reforms.

A final observation in regard to the scope of the plan. If necessary, planners can triage their reform strategies into phases. Problems that need immediate attention (e.g., conditions of confinement) may be put on a shorter track for solutions, whereas others (e.g., case processing reforms) can be addressed within longer time frames.

Contents of the Detention Reform Plan

Once planners are satisfied with the elements of reform to be included in the plan, they should draft the planning document. It should reflect the five stages of planning described in this report. It should provide a description, backed by data, of the current detention system. This description should serve as a problem statement and foundation for reforms proposed later, highlighting specific problem areas like overcrowding or hazardous facility conditions. It should include a statement of local juvenile detention goals. It should describe the reformed system, including all adopted reform components such as intake risk screening, alternatives to secure custody, case processing changes, and plans to improve conditions in the detention facility. It should identify the cost of each reform component or strategy, with a

budget that shows startup costs, costs of personnel, and other operating costs. Where savings or cost avoidance can be realized, the plan should show this.

Where the plan includes proposed construction of additional detention capacity, it should include the bed use forecasts developed with the projection technology described above. The plan should document the need for additional beds in the context of adopting cost-effective alternatives to secure confinement. It should identify both costs and cost savings to be achieved under the selected reform scenario. And it should include a resource plan to pay for additional programs and any proposed new construction.

The plan should assign specific implementation responsibilities to agencies that have the authority and the ability to carry them out. The delegation of implementation tasks is a critical and necessary element of the reform plan; if responsibilities are not assigned, the plan is unlikely to produce the desired reforms. It may be effective in this regard to invest one agency, such as the juvenile court, with the authority to take the lead and act officially on behalf of the collaborative (e.g., to submit applications for grants or public funds). The plan should include a master implementation schedule, with time lines for the implementation of each feature.

The delegation of implementation tasks is a critical and necessary element of the reform plan.

The plan should be circulated for endorsement by public and private agencies in the affected community. Broad public support provides greater assurance that detention reform goals and implementation efforts will be sustained through successive elections and administrations. To facilitate support, the reform plan should be crisp and clear so that the facts and judgments justifying detention reform can be appreciated by a wide variety of readers. Graphs and charts showing the loads and costs imposed by current detention practices and demonstrating the benefits available from reforms will help those outside the planning group understand the problem and proposed solutions. An executive summary stating the highlights of the plan may help promote broader acceptance by the community.

Finally, planners should consider adopting a supplemental communications strategy. A detention reform plan that proposes to change the way juvenile offenders

are handled in the community will surely generate calls from the media and other interest groups: planners will need to be "on the same page" as they respond to requests for information in press interviews and other forums. The communications strategy should also identify spokespersons who can provide information and reassurance on the plan at community speaking engagements or in appearances before local government councils or agencies. For additional comments on building consensus for reform, see the ***Pathways*** guide *Promoting and Sustaining Detention Reforms.*

RESOURCES

For general assistance with detention reform planning, contact:

David Steinhart, Director
Commonweal Juvenile Justice Program
P. O. Box 190
Bolinas, CA 94924
(415) 388-6666

Frank A. Orlando, Director
Center for the Study of Youth Policy
Nova Southeastern Law School
3305 College Avenue
Fort Lauderdale, FL 33314
(954) 262-6239

Earl L. Dunlap, Executive Director
National Juvenile Detention Association
217 Perkins Building
Richmond, KY 40475
(606) 622-6259

Paul DeMuro
PD Associates
82 Essex Avenue
Montclair, NJ 07042
(973) 746-9525

For quantitative analyses of detention utilization and population forecasting, contact:

National Council on Crime and Delinquency
685 Market Street, Suite 620
San Francisco, CA 94105
(415) 896-6223

For case processing analyses, contact:

D. Alan Henry, Director
Pretrial Services Resource Center
1325 G Street, NW
Washington, DC 20005
(202) 638-3080

For assessments of conditions of confinement, contact:

Mark Soler, President
Youth Law Center
1325 G Street, NW
Washington, DC 20005
(202) 637-0377

For fiscal analyses of detention system, contact:

Robert Schwartz, Director
Juvenile Law Center
801 Arch Street, Sixth Floor
Philadelphia, PA 19107
(215) 625-0551

For information about detention reform planning in JDAI sites, contact:

Michael Rohan, Director
Juvenile Probation and Court Services
Circuit Court of Cook County
1100 South Hamilton Avenue, 2nd Floor
Chicago, IL 60612
(312) 433-6575

Rick Jensen, Detention Reform Project Coordinator
Multnomah County Department of Juvenile and Adult Community Justice
1401 NE 68th Avenue
Portland, OR 97214
(503) 306-5698

Yvette Woolfolk, Project Coordinator
Juvenile Justice Initiative
Sacramento County Superior Court
9555 Kiefer Boulevard
Sacramento, CA 95827
(916) 875-7013

The Pathways to Juvenile Detention Reform series includes the following publications:

Overview: The JDAI Story: Building a Better Juvenile Detention System

1. Planning for Juvenile Detention Reforms: A Structured Approach

2. Collaboration and Leadership in Juvenile Detention Reform

3. Controlling the Front Gates: Effective Admissions Policies and Practices

4. Consider the Alternatives: Planning and Implementing Detention Alternatives

5. Reducing Unnecessary Delay: Innovations in Case Processing

6. Improving Conditions of Confinement in Secure Juvenile Detention Centers

7. By the Numbers: The Role of Data and Information in Detention Reform

8. Ideas and Ideals to Reduce Disproportionate Detention of Minority Youth

9. Special Detention Cases: Strategies for Handling Difficult Populations

10. Changing Roles and Relationships in Detention Reform

11. Promoting and Sustaining Detention Reforms

12. Replicating Detention Reform: Lessons from the Florida Detention Initiative

For more information about the ***Pathways*** series or
the Juvenile Detention Alternatives Initiative, contact:

The Annie E. Casey Foundation
701 St. Paul Street
Baltimore, MD 21202
(410) 547-6600
(410) 547-6624 fax
www.aecf.org

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Baltimore, MD 21202
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